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Illinois  
Environmental  
Protection Agency

Environmental Quality Systems  
1021 N. Grand Avenue East  
Springfield, IL 62794-9276

December 2002

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IEPA/ENV 02-026

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# **FY 2003 Performance Partnership Agreement**



**December 2002**

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**FY 2003 PERFORMANCE  
PARTNERSHIP AGREEMENT  
BETWEEN  
ILLINOIS EPA AND REGION 5, USEPA**

We are pleased to execute our eighth Performance Partnership Agreement and thereby to continue the journey envisioned in the new National Environmental Performance Partnership System (see Figure 1). This agreement sets forth our mutual agenda for continued environmental progress and our expectations for the state/federal relationship. We have assembled in one comprehensive document the joint priorities, goals, strategies and measures for most of the environmental programs that are operated in Illinois. Illinois will also operate under a performance partnership grant that provides federal funding for the programs described in this agreement.

The execution of this agreement demonstrates our continuing commitment to environmental improvement that is cost-effective and responsive to public concerns. We believe that this agreement measures up to the call for finding better ways of doing our regulatory business. It also builds upon the lessons learned from previous partnership agreements.

The seven sections which follow form the body of this agreement and will serve as our joint performance plan for the specified programs.

Entered into on this 12th day of, December 2002.

For the Illinois EPA:

For Region 5, USEPA:

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Renee Cipriano  
Director

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Thomas V. Skinner  
Regional Administrator

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## TABLE OF CONTENTS

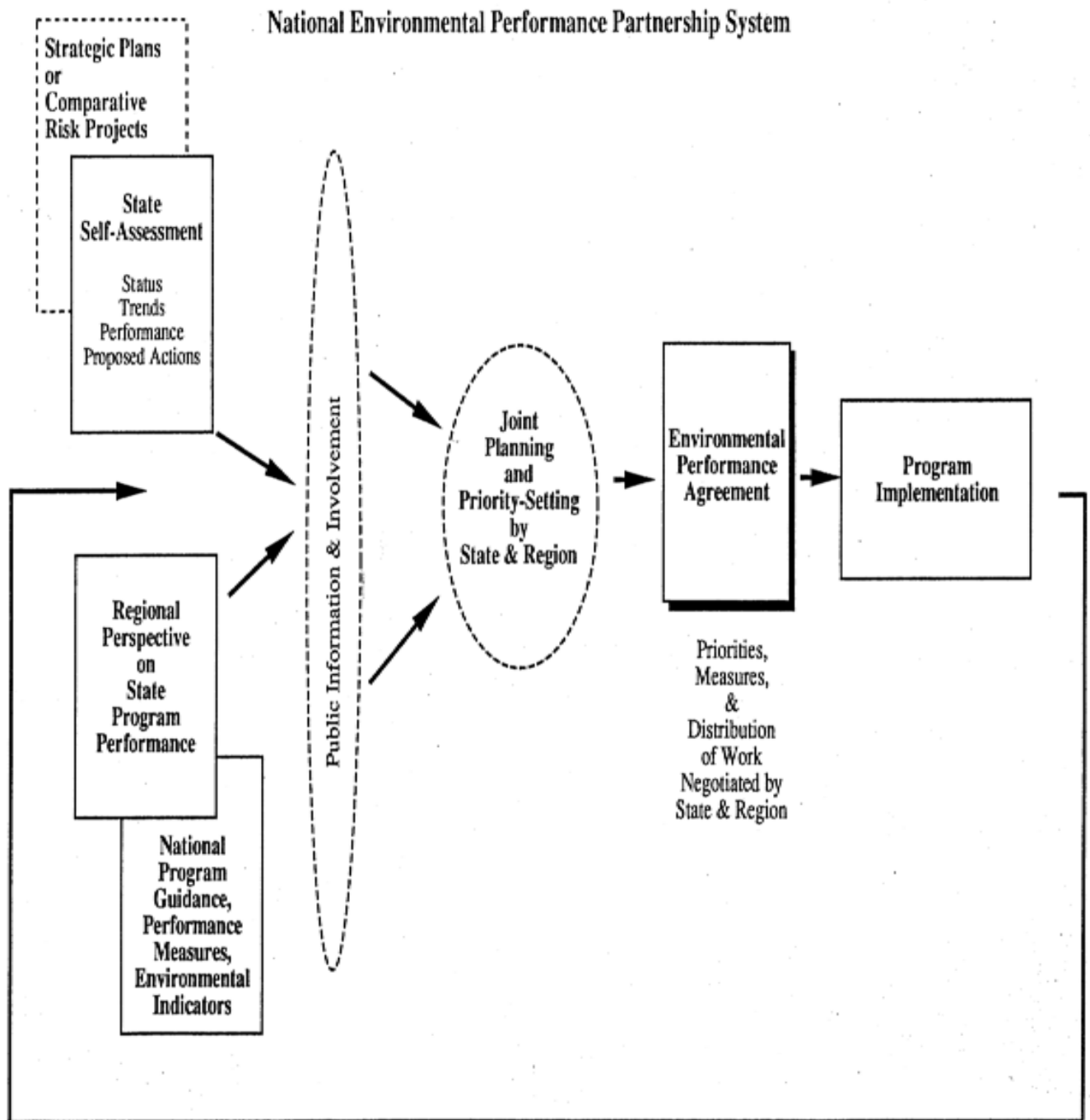
I.	GENERAL PURPOSE AND CONTEXT .....	1
	A. State/Federal Environmental Partnership .....	1
	B. Strategic Planning Context .....	1
	C. Mission Statements and Roles .....	1
	D. Relationship of Agreement to Grants .....	12
	E. Joint Planning and Evaluation Process .....	12
II.	SCOPE OF AGREEMENT .....	13
III.	GENERAL PRINCIPLES FOR STATE/FEDERAL RELATIONSHIP .....	14
IV.	ENVIRONMENTAL RESULTS .....	14
V.	JOINT ENVIRONMENTAL PRIORITIES .....	15
VI.	PUBLIC INVOLVEMENT .....	27
VII.	PROGRAM PERFORMANCE AND ACCOUNTABILITY .....	27
	MEDIA PROGRAMS .....	31
	A. Clean Air Program .....	31
	B. Clean Land Program .....	50
	C. Clean/Safe Water Program .....	78
	MULTIMEDIA PROGRAMS .....	117
	D. Toxic Chemical Management Program .....	117
	E. Innovative Protection Program .....	125

## ATTACHMENTS

Listing of Funding Sources  
 Summary Report for FY 2003 PPA Focus Group Discussions  
 Listing of Program MOAs and MOUs  
 Reporting Requirements Inventory  
 Dispute Resolution Process  
 Program Outputs

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Figure 1



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## **I. GENERAL PURPOSE AND CONTEXT**

The purpose of this Federal Fiscal Year 2003 (FY03) Performance Partnership Agreement ("the agreement") is to set forth the mutual understandings reached regarding the state/federal relationship, the joint environmental priorities and mutual interests, the desirable environmental outcomes, the performance expectations for the participating programs, and the oversight arrangements between the parties. The parties to this agreement are the Illinois Environmental Protection Agency (IEPA) and Region 5 of the United States Environmental Protection Agency (USEPA).

### **A. State/Federal Environmental Partnership**

This agreement is designed to be consistent with the "environmental partnership" as described in the National Environmental Performance Partnership System (NEPPS). The parties concur with the principles that are enumerated in the NEPPS and are proceeding in accordance with the framework shown therein.

### **B. Strategic Planning Context**

Senior leadership from the IEPA and Region 5 held a planning session on July 15, 2002. This session was designed to reach closure on joint environmental priorities for the next agreement.

IEPA, along with other agencies in Illinois, adopted a new Strategic Plan in 2001. This plan addresses the following seven strategic issues that IEPA identified during the planning process: clean air; clean water; safe water; safe waste management; land restoration; innovative protection; and toxic chemical safety. The plan was accepted by the Governor's Office of Strategic Planning early in 2001. IEPA's plan is being updated this year to reflect current conditions and thinking.

### **C. Mission Statements and Roles**

#### **1. IEPA - Agency Vision and Mission Statements**

We have the following vision for the future:

***Illinois air, water, and land resources will be:***

- *Clean and safe.*
- *Valuable assets in a sustainable economy.*
- *Contributing to an enhanced quality of life.*

***The people of Illinois will:***

- *Value a quality environment and understand how their actions affect it.*
- *Take an active role in helping to protect and improve air, water, and land resources.*
- *View the Agency as a respected and responsive environmental leader.*

***The IEPA will be widely recognized as a public agency that:***

- *Makes sound decisions which protect human health and the environment.*
- *Emphasizes continuous improvement, measurable results, quality public service and efficient use of resources.*
- *Shows initiative and fosters new ideas and solutions for better environmental protection.*
- *Listens to external perspectives and works with a wide range of interests to solve environmental problems.*
- *Pursues environmental compliance through both enforcement and assistance activities.*
- *Values employee growth and development by fostering a learning environment and recognizing employee contributions.*

**We at IEPA believe in the following **core values**:**

1. Fairness and integrity
2. Open and effective communication
3. Creative thinking and problem-solving
4. Meaningful external participation and involvement
5. Sound environmental decision-making
6. Responsive public service
7. Accountability for results
8. Recognition of employee contributions

**We have developed the following mission statement:**

**THE MISSION OF THE IEPA IS TO PROTECT, RESTORE, AND ENHANCE THE QUALITY OF AIR, LAND AND WATER RESOURCES TO BENEFIT CURRENT AND FUTURE GENERATIONS.**

IEPA operates under the auspices of the Illinois Environmental Protection Act and several other state statutes. Under state law, the IEPA is designated as the primary operations agency for purposes of the major federal environmental protection programs. Statutory authority is granted for policy and regulatory development, planning and monitoring, permitting, inspections and enforcement, remedial actions, emergency management, and environmental infrastructure assistance.

IEPA has sought and received delegation of the major national environmental protection programs. IEPA also operates numerous state programs that do not involve a relationship with USEPA. In combination, these national and state-specific program responsibilities place IEPA in the lead role for delivering day-to-day environmental protection in Illinois. This agreement is designed to address the full range of these operations with only a few exceptions.

IEPA recognizes that it has a continuing responsibility to advise Region 5, USEPA regarding statutory or regulatory changes that could have a material effect on an authorized or delegated national environmental program. Region 5, USEPA, in turn, has a responsibility to promptly inform IEPA if it believes such change is inconsistent with applicable federal statutes or regulations governing the affected environmental program. Region 5, USEPA may also identify federal guidance or policies that should be considered in evaluating such change. IEPA and Region 5 agree to work together to resolve the issues related to several Illinois statutory provisions which may create impediments to certain authorization, delegation, or approval of certain federal environmental programs in Illinois, including the audit privilege law, the amnesty provisions in 415 ILCS-5/31 (C)(3), Section 31 of the Illinois Environmental Protection Act, and proportionate share liability at 415 ILCS 5/58.9.

Under federal programs that are delegated to the State, IEPA will continue to assume the lead in enforcement and compliance in Illinois. IEPA recognizes that there are also circumstances where USEPA may take the lead in enforcement and compliance as set forth in the Enforcement and Compliance Assurance subsection under Federal Roles. Both agencies recognize the need for timely and open communications to identify and coordinate responsibilities, work activities and opportunities for joint actions in the compliance and enforcement area. IEPA and USEPA are committed to improving work coordination and communications to ensure effective and efficient use of resources. Program offices will continue to coordinate activities with USEPA to ensure the appropriate instances of noncompliance are referred for enforcement actions. IEPA will also identify and evaluate existing enforcement response plans, updating them as necessary to ensure that timely and appropriate enforcement can be conducted.

IEPA operates within a complex network of intergovernmental and public/private relationships. The principal roles that IEPA plays within this web of relationships are as follows:

- a. Primary regulator - IEPA has direct regulatory responsibility for the full spectrum of environmental protection matters. This predominant role drives much of our focus and performance. Under the NEPPS, IEPA will strive to improve the environmental protection system in Illinois so that affordable environmental progress can continue to be realized.
- b. Secondary regulator - IEPA has authority to delegate certain regulatory activities to local governments and has done so under several programs. Certain efficiencies are gained when some regulatory actions take place at the local level. For the most part, these arrangements have worked well and have resulted in a net improvement in program operations. Where feasible, the IEPA will continue to seek out these opportunities and assume a secondary role as needed to ensure the integrity of program performance.
- c. Environmental information generator - IEPA creates a large amount of information about environmental quality in Illinois and about actions and events that affect

Illinois' environment. Under the NEPPS, we want to do a better job of sharing this information with the public and regulated community. The use of environmental goals and indicators should help us move in this direction.

- d. Policy and technical advice - The IEPA is frequently called upon to give environmental policy and technical advice to a wide variety of interests. This environmental expertise represents a major asset that can be utilized to support our environmental aims.
  - e. Financial provider - The IEPA provides financial assistance to eligible parties in a number of ways via grants, loans and cost-sharing for projects. These valuable resources need to be used wisely so that intended environmental benefits are realized.
  - f. Project sponsor - IEPA assumes direct sponsorship for a wide variety of environmental improvement projects such as hazardous site remediation, tire dump cleanups, collection of household hazardous wastes and safe disposal of abandoned hazardous materials. These environmental services help prevent or correct a wide range of adverse environmental conditions. IEPA is committed to delivering these services in a productive manner.
  - g. Change agent and promoter - The IEPA has opportunities to display environmental leadership and pursue system changes where it makes sense to do so. We want to encourage innovation and to take full advantage of these important opportunities. In exercising such leadership, we become advocates and promoters of new ways of thinking and new approaches for addressing environmental problems. Fostering this outlook within the IEPA is critical if we are to cope with the changing world scene.
2. **Region 5, USEPA** - The federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both USEPA and individual states conduct environmental protection activities, with USEPA directly implementing some federal programs, taking enforcement actions against violators, delegating federal programs for state operation, and reviewing and evaluating state program performance. Because pollution does not respect political boundaries, USEPA has a fiscal and statutory responsibility to ensure that a consistent, level playing field exists across the nation. USEPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and ensuring a consistent level of environmental protection for all citizens. The Agency fulfills these responsibilities by working with its many partners--other federal agencies, states, tribes and local communities--to address high priority environmental problems. By offering training and technical assistance, sharing work and conducting scientific and policy research, USEPA helps build the capacity of states and other partners to ensure protection of public health and the environment. USEPA also carries out an important role in reviewing state program performance, incorporating a wide variety of activities, from annual meetings with state program managers to file reviews. Region 5 will continue to provide the state with funding for base programs and specific projects which will achieve environmental results consistent with USEPA and IEPA priorities set forth

in this agreement and will evaluate state programs to ensure the fiscal integrity of the USEPA/State relationship. Region 5 will continue to build state capacity for undelegated programs with a goal of moving those programs to the states in the near future.

**Federal Role in Enforcement and Compliance Assistance** - Compliance and enforcement activities to be accomplished during the term of this Agreement are included in the media programs. However, USEPA and IEPA believe it is helpful to highlight the federal role in compliance and enforcement in this Agreement.

There is a continuing role for USEPA in environmental protection in Illinois. USEPA can assist IEPA in conducting inspections, conducting joint enforcement actions, and in providing compliance and technical assistance to the State and its regulated entities. USEPA carries out its responsibilities in the enforcement arena in a variety of ways. The Agency acts as an environmental steward, ensuring that national standards for the protection of human health and environment are implemented, monitored and enforced consistently in all states. Under this PPA, USEPA and IEPA retain their authorities and responsibilities to conduct enforcement and compliance assistance, and such enforcement will be accomplished in the spirit of cooperation and trust. Additionally, both Agencies agree to explore the most effective application of the full spectrum of compliance tools, including compliance assistance and enforcement, to encourage and maintain compliance of sources.

Specific federal enforcement and compliance assistance responsibilities may include:

- Work on national priorities (e.g., multi-media inspections, companies with significant company-wide non-compliance in several states, and Office of Enforcement and Compliance Assurance (OECA) Priority Sectors).
- Work on regional priorities, including enforcement and compliance assistance in Region 5's Principal Places, as well as using this approach to reduce toxics, especially mercury; to promote sustainable urban environments and brownfields redevelopment; to clean up sediments; to protect and restore critical ecosystems; and to protect people at risk, especially children and environmental justice communities.
- Ensuring timely and appropriate enforcement, if necessary, in state and federal programs.
- Ensuring a level playing field and national consistency across state boundaries.
- Addressing interstate and international pollution (watersheds, air sheds, or other geographic units).
- Addressing criminal violations under federal law.
- Multi-media inspections and enforcement at federal facilities.
- Enforcement in non-delegated, partially delegated or non-delegable programs.
- Enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders.

Both IEPA and USEPA agree in FY 2003 to ensure that there is a productive use of limited federal and state resources to secure compliance. In order to foster improved

communications and coordination in the enforcement area, the following approach will be utilized:

### ***Planning and Information Sharing***

- IEPA and USEPA will hold an annual planning meeting to discuss enforcement and compliance matters.
- USEPA and IEPA will share information regularly about pending and potential enforcement cases in order to avoid surprises, ensure consistency, minimize duplication and ensure timely coordination of activities. For those enforcement programs where the authorizing statute does not provide for delegation to the states (e.g., non-delegable programs such as TSCA), USEPA will share enforcement information with IEPA to the extent allowed under existing OECA policies and procedures. USEPA will also provide IEPA with a copy of each non-delegable program enforcement action issued within the State. Information which is enforcement-confidential will be protected from disclosure by all parties to the fullest extent of the law.

### ***Coordination of Activities***

- Each agency will identify cases in which inconsistency with national enforcement response policies or state environmental compliance strategies or duplication of resources are potential problems, or in which coordination between USEPA and IEPA is essential.
- These cases will be discussed at meetings or conference calls, held at least quarterly.
- Each agency will designate appropriate contacts to attend meetings and discuss identified cases.
- For each facility identified, USEPA and IEPA will discuss and attempt to agree on the appropriate response for the violation and the appropriate agency to take the lead role. For some cases, joint actions may be preferable.

USEPA will take enforcement actions in Illinois as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require USEPA to take immediate action (e.g., seeking a temporary restraining order); in those circumstances, USEPA will consult with the State as quickly as possible following initiation of the action.

For both USEPA and IEPA, enforcement and compliance assistance is conducted through individual media programs. However, both agencies conduct multi-media enforcement and compliance activities that will require coordination. While individual program activities will be coordinated on a program-specific basis, multi-media activities will be coordinated, when appropriate, through Region 5's OECA and the Compliance Group. Specific multi-media activities that IEPA and USEPA will work together on in FY 2003 include coordination on multi-media inspections, including consideration of facilities appropriate for multi-media inspections in the Greater Chicago Initiative area,

participation in the Greater Chicago Senior Enforcement Managers' meetings, and identification of additional joint multi-media activities during the next annual planning meeting.

**Region 5 Focus Areas and Priority Places in Federal FY 2003** - USEPA's Strategic Plan sets the long-term course for the Agency and defines the standards against which progress will be judged. The Agency is currently undertaking a broad, consultative process to review its Strategic Plan, due out for FY 2004, and we look forward to working with the States in Region 5 to ensure our Midwest priorities are reflected.

USEPA's current Strategic Plan contains 10 long-term goals which define desired outcomes related to: clean air, water, and land; safe food, homes, and workplaces; global environmentalism, sound science, greater compliance with environmental laws; and management integrity and access to environmental information for all Americans. All regional work can be linked to one or more of these goals. To document shorter term, annual activities, in addition to state-specific joint Agreements such as this one, the Region has Memorandums of Agreement in place with the various national program offices which outline programmatic and Region-specific focus areas. A regional focus area is one that addresses a multi-media environmental problem, needs non-traditional methods to solve the problem, needs federal leadership, is broad in scope, impacts a significant population or resource, and/or is an Administration priority. To direct limited resources to places where these focus areas can be most effectively addressed, the Region has also identified **principal places** where the complex environmental problems would most benefit from a multi-media focus, three of which impact Illinois. To implement its activities under the focus areas and in the priority places, Region 5 has identified multi-media regional managers whose role is to evaluate, plan and implement activities to assess and address the environmental problems and site-specific community issues in communication and cooperation with all impacted stakeholders, including Illinois EPA.

For several of the Region's focus areas and principal places, certain work specific to Illinois is addressed under the Joint Priority/Mutual Interest section in this document; other work related to the focus areas and principal places may be found under the various media programs and as noted below. In all cases, however, the agencies will continue to work together to coordinate actions, reduce duplication and manage overlap and complimentary activities.

Region 5 FY 2003 Environmental Focus Areas are:

- Reducing toxics, especially mercury - See Mutual Environmental Interest Section
- Promoting sustainable urban environments and redeveloping Brownfield - In addition to the long-standing cooperative Brownfields efforts of the USEPA and Illinois EPA which are described elsewhere in this document, the USEPA is taking an active interest in promoting development and building practices which will provide long-term reductions in air, water and land pollution. Sprawling development patterns lead to degradation of surface waters, increases in flood, habitat destruction, increases in

auto usage, decreases in recharge to aquifers, and increased energy consumption. Human development patterns and building practices are responsible for non-point, area and mobile source emissions that now exceeded all of the point-source emissions that have been historically the focus of the majority of our efforts. By promoting green or sustainable practices, we can lessen these environmental impacts. For example:

- USEPA is working along with a range of partners in the Chicago area (through Chicago Wilderness) to promote Native Landscaping, which can reduce air emissions and contaminated runoff over the long term.
  - USEPA is working along with the Chicago Chapter of the U.S. Green Building Council and others to promote green building construction, which can lead to reduced air emissions, reduced energy consumption, reduction in urban heat island effects, health indoor air, and other benefits over the long term.
  - USEPA is working with a range of partners to develop a clear quantification of the water quality effects of typical developments approaches, and to promote more environmentally beneficial development practices.
- Cleaning up sediments - Contaminants in sediments pose a threat to human health, aquatic life, and the environment. Sediments are naturally occurring materials that are deposited on the bottoms of rivers and lakes. They are an integral component of aquatic ecosystems, providing habitat, feeding, spawning, and rearing areas for many aquatic organisms. Many pollutants released to the environment settle and accumulate in this silt and mud. Much of the contaminated sediment in the U.S. was polluted years ago by such chemicals as PCBs, DDT, and mercury, which have since been banned or restricted. Some other chemicals released to surface waters from industrial and municipal discharges, atmospheric deposition, and polluted runoff from urban and agricultural areas, continue to accumulate to environmentally harmful levels in sediment. Many of these chemicals can persist for many years in the sediment, where they can cause adverse effects to aquatic organisms and other wildlife, such as reproductive impacts, developmental effects, birth defects, and fish tumors and deformities, and also to loss of habitat. Humans can be at risk as well through exposure to contaminants or consumption of contaminated fish and wildlife. These long-term adverse health effects may include cancer, children's neurological and IQ impairment, and potential interference with the functioning of the hormone systems leading to a variety of sexual development, behavioral and reproductive problems. In addition, ecological and human health impairment due to contaminated sediment imposes costs on society through lost recreational enjoyment and revenues. For example, with the issuance of fish consumption advisories, significant and negative impacts on peoples' use and enjoyment of our natural resources can result. In addition, the presence of contaminants in sediment can pose increased costs of development or for waterborne commerce. Contaminated sediments are a significant and persistent source of pollution throughout many of Region 5's waters, including the Great Lakes Basin and their tributaries, Mahoning River, Ohio River, and portions of the Chicago Area Rivers. Please also see narrative regarding the Urban Rivers Restoration Initiative for the Chicago Waterways under "Joint Environmental



Priorities/Mutual Interests".

The **desired states or results** we seek to attain include:

- Elimination or reduction of risks to human health and the environment to safe levels
  - Elimination or reduction of economic impacts posed by toxic chemicals in sediments
  - Reductions in fish and wildlife tissue concentrations of toxic chemicals leading to the elimination of fish and water fowl consumption advisories
  - Unrestricted use of Federal navigation channels
- 
- Protecting and restoring critical ecosystems - The Region 5 Critical Ecosystems Team has recently completed a model of ecological health for Illinois and the other 5 states that comprise Region 5. This model is currently being peer reviewed and validated to ensure that the model results are valid, reliable and a useful tool for environmental decision-making. The team works on a variety of projects and is requested, at times, to provide expert advice and consultation on ecological issues. In FY 2003, the team will visit each state, including Illinois, to present this data and seek state support to implement a pilot project to determine if this model can be used by the state in implementing a portion of one or two programs. Also, on April 5, 2003, the Illinois Academy of Sciences will be holding an Illinois Invasive Species Symposium on the campus of Illinois State University and the Critical Ecosystems Team is helping to plan a session that will be setting an action agenda to address the problem of invasive species for the State. It is hoped that the State of Illinois could work with the team in advance of this Symposium and attend it to determine how Illinois EPA can assist in controlling invasive species in the State.
  - Protecting people at risk, especially children and environmental justice communities - In response to the Agency's call for continued emphasis on children's health, Region 5 continues to support multi-media work to ensure that the protection of children's health is a fundamental consideration of all environmental decision-making in Region 5. The Region will continue to focus on practical actions that community groups, parents, medical personnel, school administrators and others can take to protect children by reducing asthma triggers, exposure to lead based paint, mercury and other contaminant sources of concern to children, especially in school settings. The Region will continue the dialogue on children's environmental health between and among governmental, academic, medical, public health and community organizations. Coordinating and building a relationship with and among State agencies that are or should be concerned with children's health continues to be a priority for the region. Region 5 is committed to addressing environmental threats to children and will facilitate these efforts through periodic conference calls (i.e. bimonthly) with all Region 5 State agencies of environment, health, housing, agriculture, education, family services and cooperative extension.
  - With regard to environmental justice, Region 5's goal is to ensure that all people are protected from disproportionate impacts of environmental hazards and have adequate

opportunity to participate in environmental processes. The Region has developed an action plan to support the integration of environmental justice into existing programs, policies and activities, consistent with existing environmental laws and their implementing regulations. Examples of Regional efforts include sponsorship of informational/training forums with community groups, states, business and industry; increased access to and exchange of environmental information through the Region's Homepage and other media; and various community-based program efforts.

Of the Region's eight principal places, those which impact Illinois are:

- Lake Michigan - See mutual Environmental Interest Section
- Greater Chicago Initiative - The Greater Chicago Initiative (GCI) focuses on Cook County, Illinois, particularly on the environmental justice areas of the Southeast and West sides of the City of Chicago. The purpose of the GCI is to work with local stakeholders, including Region 5, the State of Illinois, Cook County, the City of Chicago, the Metropolitan Water Reclamation District of Greater Chicago, other Federal, State, and regional agencies, industry, and citizens to coordinate various government and private environmental activities for the purposes of effectiveness and efficiency, particularly in areas that fall outside the purview of the regulatory agencies' base programs. The Deputy Director of IEPA and the GCI Regional Team Manager serve as co-chairs of the GCI Steering Committee. The Steering Committee meets as needed.

The Initiative starts its seventh year of existence as of October 2002. At this juncture, Region 5 is engaged in internal strategic planning for the GCI and has prepared the following draft USEPA goals and objectives: air toxics, odors, coordination of voluntary pollution reduction programs, Chicago River waterways, sustainable development in the Lake Calumet region, and lead poisoning. These goals and objectives are representative of ongoing USEPA GCI activities, most of which are executed in partnership with a variety of organizations and individuals, including the IEPA, depending on the topic. A variety of approaches are used to tackle these environmental problems, including permitting, enforcement, and innovative programs that stress voluntary action. The IEPA continues to tackle significant environmental problems in the Lake Calumet region including Paxton I (capping), Paxton II (leachate control and cap maintenance) and the Cluster Sites (investigation of contamination and remediation options).

- Gateway (East St. Louis, IL) - A very successful and fruitful partnership has developed over the last few years between the Region 5 Gateway Team and the staff of the IEPA, particularly the Collinsville office, as we work together to achieve the goals in the Metro East area of improving the quality of life and protecting the natural resources within that community, as well as improving the community economics. As part of this partnership, IEPA will continue to work with USEPA to identify candidates for inspections/enforcement and provide technical assistance to facilities and communities, as well as continue to support the Gateway Enforcement

Workgroup by participating in quarterly conference calls. IEPA will partner with USEPA on supporting stormwater and Brownfields Showcase Advisory Group meetings and will participate in identifying the extent of contaminated sediments. Both agencies will continue to focus brownfields activities on the Metro East St. Louis area and work toward development of community-based indicators of environmental health. IEPA and USEPA will continue to work on tire collection and sweeps and explore areas that would enhance coordination on groundwater issues. USEPA and IEPA will work to identify results and implement strategies to address the Metro East's stormwater issues and assist with ecosystem restoration and enhancement of wetlands to alleviate flooding. Specifically, USEPA and IEPA will work with the US Army Corps of Engineers St. Louis District office to increase water quality by stream stabilization, sediment control and protection of wetland habitat in the bluffs, which includes both St. Clair and Madison Counties. IEPA, specifically the Collinsville office, and USEPA will work together to assist the Confluence Greenway, ad hoc group of community organizations, to assess and redevelop Chouteau Island, which will involve the creation and restoration of numerous acres of wetlands; environmental restoration of critical habitat areas and recreation. Both agencies will continue to work together to provide environmental education initiatives and establish projects to build community capacity among neighborhood, school and environmental organizations. Region 5 and IEPA will continue to work together on a Metro East Lead Collaborative Partnership, which was awarded as one of sixteen national Integrated Federal Interagency Environmental Justice Demonstration Pilots. The Partnership will continue to collect and analyze existing and new lead data to identify exposure pathways, hot spots and other data needs. The pilot has already identified, prioritized and targeted nineteen areas and facilities for cleanup by USEPA's superfund removal program. Thus far, seven of these targeted sites have been remediated, one by a responsible party under an agreement with USEPA, and the other six by the federal removal program. In all, the Partnership's efforts have led to the removal of over 83,000 tons of lead- and PCB-contaminated soils from targeted residential and industrial areas in the Metro East area.

IEPA will work with USEPA to provide for special data runs to report Gateway-specific numbers from some of the indicators and performance measures areas already identified within the PPA for the following areas: toxic chemical releases, pollution prevention, ozone nonattainment, hazardous air pollutants, acid rain, shallow groundwater, waste disposal at permitted facilities, open dumping, contaminated lands, waterway conditions, wastewater discharges, finished drinking water and groundwater recharge areas.

#### **D. Relationship of Agreement to Grants**

IEPA will operate under a Performance Partnership Grant (PPG) in FY03. The programs that are described under this agreement are coordinated with the program elements used for the PPG. With this approach, we have taken a major step towards a more integrated approach to environmental management in Illinois.

IEPA operates under a PPG to gain more flexibility in use of federal funds, to reduce the administrative burden of having numerous, specific categorical grants/work plans, and to continue some key resource investments in priority activities. In particular, we have previously provided for such investments in the regulatory innovation and pollution prevention programs. To best achieve the administrative benefits of a PPG, fewer grant actions and awards are desirable. However, where an issue is identified in a single media program, USEPA will move to award the remaining resources while seeking to resolve the issue. Both agencies commit to timely identification and appropriate level of engagement on all such issues.

The parties also recognize that some specific project grants will continue in effect and operate in concert with this agreement. These special activities are best managed in this coordinated manner to ensure program integrity. The attached listing of grants shows the breakout between the categories of federal funding for FY03.

Congress requires Region 5 to negotiate a fair share objective with each state for procurement dollars covering supplies, construction, equipment and services. The current negotiated rates require, to the fullest extent possible, that at least 13 percent of federal funding for prime and subcontracts awarded in support of USEPA programs be made available to businesses or other organizations owned or controlled by socially and economically disadvantaged individuals, including women and historically black colleges and universities, based on an assessment of the availability of qualified minority business enterprises (MBE) and women-owned businesses (WBE) in the relevant market. Accordingly, for any grant or cooperative agreement awarded in support of this agreement, the parties agree to ensure that a fair share objective will be made available to MBEs and WBEs.

#### **E. Joint Planning and Evaluation Process**

The parties believe it is important to clearly articulate how all the components of the performance partnership are interrelated and sequenced. We will carry out the following joint planning and evaluation process.

Actions	Milestones
1. Annual Environmental Conditions Report	July
2. State's Self-Assessment	August
3. Planning Dialogue Sessions	July/August
4. Agreement Negotiations	October
5. Final Performance Partnership Agreement	November
6. State's Performance Report for PPG	Nov./Dec.
7. Region's evaluation of State's annual report	February

The Annual Performance Report for the PPG and the Annual Environmental Conditions Report have become the key components for performance review. The State's self-assessment will also serve as a planning basis for the next year's agreement with some emphasis on important performance considerations. It is also expected that national program guidance should be available at about this same time. File reviews or other oversight by Region 5 will be coordinated with this mid-year and annual report cycle.

## II. SCOPE OF AGREEMENT

On August 22, 2002, IEPA submitted a Performance Self-Assessment to Region 5 for the following programs:

Clean Air  
Safe Waste Management and Restored Land  
Clean/Safe Water  
Toxic Chemical Management  
Innovative Protection

The programs for this PPA are described in Section VII of the agreement.

While USEPA and IEPA have attempted to provide a description of each Agency's environmental protection activities for the period of this agreement, it should be noted that there may be additional activities warranting action that is not contemplated at this time. USEPA and IEPA agree that coordination will occur as appropriate over the course of the agreement period to avoid overlap and duplication of effort in addressing new issues and concerns as they arise.

Furthermore, we recognize that this agreement does not necessarily encompass every agreement between IEPA and USEPA, and that some agreements, relationships, and activities will be described elsewhere. (USEPA also has agreements and responsibilities with other state agencies that are not included in this agreement.) This agreement does not replace or supersede statutes, regulations, or delegation, authorization or program approval agreements entered into with the State.

### **III. GENERAL PRINCIPLES FOR STATE/FEDERAL RELATIONSHIP**

The IEPA and Region 5, USEPA have complementary missions to protect and restore the air, land and water resources. In order to accomplish these missions, the IEPA and Region 5 must maximize their resources and minimize activities that don't contribute to these missions or that hinder their accomplishment. Therefore, in working toward our mutual success, the IEPA and Region 5, USEPA, agree to the following principles:

1. We will work together as partners in a spirit of trust, openness and cooperation and with respect for each other's roles.
2. We will work to ensure that the State, as the major implementer of state and federal environmental protection programs in its jurisdiction, has the greatest degree of flexibility allowable under existing laws and delegation guidelines based on program performance and environmental progress.
3. We will coordinate our work to avoid duplication of effort.
4. We will work to ensure that communication is frequent and timely to avoid surprises; that communication within each agency occurs and that efforts are made to ensure that the right method of communication is used and that information reaches the right person.
5. We will use an agreed upon dispute resolution process (see attachment) to handle the conflicts that are certain to arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.
6. We will acknowledge EPA's role in the direct implementation of federal programs and in ensuring that federal programs are carried out in a consistent fashion throughout the region.
7. We will work to ensure that staff at all levels are aware of and held accountable for realizing these agreed upon principles.

### **IV. ENVIRONMENTAL RESULTS**

Under the NEPPS, state and federal program managers are directed to focus more on "improving environmental results." To achieve this focus, the NEPPS calls for setting environmental goals and using environmental indicators to keep better track of our progress. We see this new focus as part of the next generation of environmental protection that is starting to emerge and take shape in various ways.

Both IEPA and Region 5 have some experience working with characterization of environmental conditions. IEPA has historically collected ambient environmental quality data and reported findings in various ways. Under the NEPPS, however, we think that more attention must be paid

to developing improved linkages between actual environmental conditions and program performance so that we can better assess our effectiveness over time. It should also help us to apply our resources where they will do the most good.

#### **A. Environmental Goals, Objectives, and Indicators**

We have continued to refine the goals, objectives, and indicators to be consistent with the performance measurement hierarchy agreed to between ECOS and EPA. As a result of this effort, we have seven environmental goals and 14 environmental objectives and indicators. We see these goals and objectives as a useful way to focus more attention on environmental results and to guide program planning. We do not view these goals as specific deliverables that involve accountability for grants purposes. In other words, program success does not hinge solely on attainment of particular goals. Establishment of these environmental targets gives programs a clearer sense of direction. Sound performance should show some progress towards the desired outcome. It must be understood, however, that some environmental conditions are influenced by factors beyond the normal control of an environmental program. Thus, actual attainment of a goal may be compromised even though program performance went very well by most measures. Even with such limitations, we believe it has been useful to go through the goal setting process and to work on program linkages.

#### **B. Annual Environmental Conditions Report**

In July 2002, IEPA published the seventh Annual Environmental Conditions Report - 2001. This report presents a full account of our environmental progress for the environmental goals and indicators. From year to year, we expect to gain more understanding regarding the directional influences between the objectives/indicators and the performance of these environmental programs. Performance strategies are designed to achieve progress towards the desired environmental outcomes. In turn, information gathered for the indicators may influence the program directions that are taken.

We continue to encourage public review and comment regarding this report and the progress that is shown.

### **V. JOINT ENVIRONMENTAL PRIORITIES/MUTUAL INTERESTS**

This section of the agreement presents the joint environmental priorities and an overview of the highlights for these important matters and key mutual interests that have been identified. For the FY03 agreement, the parties developed and tried out a new joint planning and priority-setting process. Participating staff were encouraged to develop proposals for joint environmental priorities. These proposals were exchanged between the parties and then discussed in a planning session held on July 15, 2002 in Chicago. From this dialogue, we agreed on seven priorities to emphasize in this agreement. In addition, we identified two mutual environmental interests that are reflected in this agreement.

## A. Joint Environmental Priorities

The following joint environmental priorities are established for this agreement:

### 1. Environment Security - Lower Terrorism Risks

Homeland security continues to be a major national issue since the dramatic events that unfolded on September 11, 2001 and thereafter. These events changed the way we, as a nation, must prepare for future acts of terrorism within our borders. One facet of this issue deals with providing for environmental security with respect to potential terrorist acts.

- Illinois Terrorism Task Force - Governor Ryan created the Illinois Terrorism Task Force by executive order in May 2000. This order also defined the composition of the Task Force to include state agencies with response capabilities or resources that support training and response, including representatives from state/local fire service, hazardous materials response, emergency medical services, law enforcement, public works, public health, National Guard, and emergency management. Representatives from the FBI and FEMA are also included.

The Task Force created the committees on *Training, Bio-Terrorism, Crisis Management, Transportation, Public Information, Volunteer Coordination, and Communications*. The committees included representatives from federal, state, regional and local levels as well as from public agencies, advocacy associations and private entities. IEPA participates on three of these committees. The Task Force has accomplished the following:

1. Mobile Response Teams were created to assist local first responders and coordinate the state's response.
2. A critical assessment of local health departments and hospitals was conducted for bioterrorism preparedness.
3. A uniform training philosophy and curriculum for First Responder Training was developed. Terrorism and incident command system modules were incorporated into required law enforcement, fire service, and emergency management training.
4. State and local emergency managers were trained in and then conducted a statewide assessment of terrorism vulnerability and preparedness. This was used as the basis for a statewide three-year strategy to address deficits.
5. A statewide mutual aid system for weapons of mass destruction (WMD) and other catastrophic disasters was put in place. This includes fire equipment, emergency medical service apparatus, and search and rescue capability.
6. Equipment protocols and standardization were developed with respect to WMD-related procurements to enhance the efficiency of any response involving multiple responding agencies.
7. WMD exercise guidelines help focus local efforts on specific scenarios, scope of training, development and evaluation, and funding requirements.



The IEPA has played a significant role in many of these efforts including the creation and equipping of the response teams and in recommending standardized equipment and protocols. Supporting and enhancing such efforts is a significant ongoing commitment for the IEPA.

- Region 5 Counter-Terrorism Preparedness - During a terrorism incident, EPA is authorized by Presidential Decision Directive #39 to provide hazardous materials response support to the FBI and FEMA. Region 5 has completed counter-terrorism training for 10 On-Scene Coordinators (OSCs) that are located in five response offices across the Region. All of these personnel have Secret level security clearances, with the Branch Chief having Top Secret clearance. The Region has begun preparations to train the remaining cadre of OSCs in counter-terrorism. The counter-terrorism team has additional training in Level A and CBRN response operations. The Region's current capabilities to respond in the CBRN realm include: CBRN agent identification, sampling and multi-media monitoring for agents, assistance with evidence collection, decontamination and other crisis management and/or consequence management activities. Region 5 has conducted field training exercises addressing potential terrorism scenarios. EPA also plans to coordinate training and preparedness exercises with state emergency management and environmental agencies.

The parties have the following joint expectations for performance:

1. Priority facilities - We recognize that chemical plants, water and wastewater treatment facilities, and hazardous waste treatment sites could be targets for terrorist attacks in the United States. In particular, we need better information about how vulnerable these facilities might be to terrorist attacks and what could be done to fix any weaknesses. Along these lines, PL107-188 (HR3448), Public Health Security and Bioterrorism Preparedness and Response Act of 2002, was signed into law in June 2002. Title IV of this Act mandates community water systems serving greater than 3,300 people to conduct vulnerability assessments and prepare emergency response plans. The act specifies certain submittal dates starting on March 31, 2003 and ending on June 30, 2004. A collaborative effort is envisioned to carry out the key implementation tasks associated with this security initiative. Federal, state and local governments will need to work together to ensure this vital work gets done properly. In the end, we should achieve lower risks for communities from these anti-terrorism efforts.
2. Detection and Analytical Capability - The parties will conduct an evaluation of the mutual capability and capacity for our field deployable equipment and fixed laboratories to handle analyses for chemical and biological warfare agents. The objective is to develop an "analytical pact" for mutual support during crisis conditions.
3. Hazardous Waste transporters - The parties will consider issues relating to ensuring that responsible persons are in control of hazardous substance transport vehicles. For

instance, some sort of background checks might be feasible. The objective is to identify potential program refinements that can be implemented.

## 2. **Expansion of Regulatory Innovation Opportunities**

IEPA and Region 5, USEPA have a mutual interest in and commitment to pursuing regulatory innovation. This perspective has developed as both parties have worked to develop new approaches to the existing regulatory structures that will be:

- more efficient and flexible.
- provide incentives for good performance.
- result in further protection for human health and the environment.

Some opportunities for collaboration in advancing regulatory innovation have developed from the following initiatives:

1. **ECOS/EPA Agreement to Pursue Regulatory Innovation** - This special agreement was developed to help promote projects that would test out new ways of achieving sound environmental performance. IEPA has submitted and received approval for three proposals under this agreement: (1) "State Toxics Partnership Program;" (2) "NPDES Performance Incentive;" and (3) "UIC Program Partnership." A fourth proposal, "Radionuclide Compliance Monitoring Program for Very Small Water Supplies," is still in the consultation process.
2. **National Regulatory Innovation Initiatives** - USEPA is the chief sponsor of two national initiatives for regulatory innovation; Project XL and the National Performance Track program. For these initiatives, states may perform in a supporting role when projects are generated in their jurisdiction. In Illinois, three XL projects are underway; Metro Chicago Water Reclamation District; United Egg Producers and Chicago Regional Air Quality/Economic Development Strategy. IEPA is participating in each of these projects. Fourteen companies in Illinois have been accepted for the performance track program. IEPA assisted with compliance screening for these companies, provided review/comment on the applications filed and participated in site visits to facilities.

Thus, the parties are implementing voluntary programs for participants that want to demonstrate better environmental performance. These programs were developed, however, at different times and with different design features but remain very similar in basic purposes. Illinois authorized the Regulatory Innovation Pilot Program (RIPP) in 1996 and has executed two innovation agreements for pilot projects. This program is patterned after the federal XL program in many respects. USEPA began the National Environmental Performance Track (NEPT) program in 2000 and now has some 280 participants nationwide, including 14 business facilities in Illinois. Companies often choose between these programs due to the resource limitations for participation in voluntary programs. In effect, these programs are "competing" for participants. Better alignment between these programs could create more opportunities for regulatory

innovation and expand participation in Illinois. Several benefits could result from better alignment of these programs. Participants would have ready access to certain regulatory flexibility that requires both federal and state authorization. They would also receive dual recognition for participating in both programs.

Therefore, during FY03 the parties will develop and execute a memorandum of agreement that is designed to foster improved alignment between these voluntary innovation programs and expanded participation in Illinois.

### **3. Hazard Reduction Communication for Backyard Burn Barrels**

Burning garbage has been a longstanding tradition in many rural households. Studies have shown that the composition of today's garbage has turned the burning of household waste into a major health concern. As a result of relatively low combustion temperatures and the presence of a variety of chemicals from inks, dyes, packaging wastes, and other household products in household waste, burn barrels have proven to be one of the worst remaining sources of dioxin pollutants in the country. Consequently, USEPA and IEPA will actively participate in an outreach/educational program to inform the public and local officials about the environmental impacts associated with burn barrels.

IEPA will support an outreach/educational program in the following ways.

- a. Work with Region 5 to develop a draft brochure on the environmental hazards associated with burn barrels, to include a description of Illinois' law regarding the use of burn barrels.
- b. The IEPA enters into delegation agreements with twenty-two counties for inspection and enforcement of permitted solid waste facilities and open dumps, and to respond to citizen complaints. Those counties are spread geographically around the state and encompass the majority of the population. We will survey the delegated counties to ascertain the extent of burn barrels in their areas. This will involve determining the availability of waste management options for rural residents, the apparent reasons for burn barrels when other options exist, and any effective deterrents to burning.
- c. Provide outreach materials to all delegated counties and other interested city/county officials and to develop a pilot program with the delegated counties to provide outreach materials to local fire protection districts and/or departments.
- d. Develop educational web pages for inclusion in *EnviroFun*, the Agency's web pages for children and environmental education, and to reference the outreach or educational materials in the 5<sup>th</sup> and 6<sup>th</sup> grade teachers' guide.
- e. Investigate the level of support for statewide legislation further limiting the use of burn barrels.

- f. Participate, as possible, in the dioxin workgroup burn barrel conference calls.
- g. Provide information about existing landfill locations, landfill capacities, and current recycling programs.

#### Federal Role

- a. Work with IEPA to develop a draft brochure on the environmental hazards associated with burn barrels, to include a description of Illinois' law regarding the use of burn barrels.
- b. Provide outreach materials, including the brochure above, and assist with public outreach efforts.
- c. Facilitate the exchange of information – other states' rules/programs or initiatives that have or have not worked to limit the use of burn barrels.
- d. Secure funding for printing of outreach materials, including the brochure.

#### **4. McCook Quarry**

The McCook, Illinois area (Lyons Township in Cook County) was one of the initial PM-10 nonattainment areas. A State Implementation Plan for the area has since been developed by the State, approved by USEPA and the area has more than the 3 years of clean air quality monitor data needed to be redesignated to "attainment." However, the Illinois EPA's efforts to have the area redesignated have met with stiff opposition from local citizens groups. The concern of citizens is that, while monitors might show clean air, there is still a particulate matter problem in the area which needs to be addressed before the area should be redesignated.

Many of the citizens believe that the particulate matter is a result of complaints arise from quarry operations in the area. IEPA and Region 5 staff recently visited the area and observed emissions from many sources, not just the quarries. IEPA and Region 5 staff did observe some emissions from the quarries coming primarily from truck traffic using unpaved entrances and exits to the quarries, and from dust being tracked out of the quarries by trucks and reintrianed retrained by passing traffic on public roads. Emissions were occurring, despite the companies' use of sweepers to clean the public roads around the quarry exits.

Both the USEPA and Illinois EPA are interested in addressing the problems in the McCook area so that the area may be redesignated to attainment. By working jointly on the issues, we will be better able to identify and address the concerns of the citizens of the McCook area, and thus remove the roadblock to redesignation of this area.

Presently, discussions are being held between Region 5 and the Illinois EPA on how to best address the issues. Future discussions will likely involve these two agencies as well

as local groups and possibly State and/or Federal Congressional representatives. Region 5 is exploring whether they can use certain federal funding to assist the local community in an assessment of the sources of particulate matter in the area and steps that can be taken to address their concerns.

## **5. Municipal Strategy**

The Water Division and the IEPA, in partnership, will develop a Municipality Strategy to assist local governments with implementation of all the water program requirements. The strategy will determine what tools are needed to make municipalities aware of all the requirements they are expected to implement; what mechanisms are or should be put into place to assist municipalities in getting the financial and technical assistance they need; what tools are available or need to be developed to assist municipalities in setting environmental and public health priorities; and what are the appropriate roles for EPA and for State government to develop and deliver this assistance.

### **Objectives**

- Develop strategy and mechanisms to disseminate guidance and assistance for municipal officials that provides information on coping with regulatory requirements, financing, technology and on-site assistance.
- Develop a presentation template that can be used by government (state and federal) officials to provide direct guidance and assistance to municipalities and municipal organizations on regulatory requirements, financing, technology, etc.
- Develop this program as a pilot which could have at least regional and possibly national application.

### **Commitments**

- EPA and IEPA will provide appropriate personnel and resources to a joint work group to develop information sources and format for a clearinghouse and presentation template.
- USEPA will pursue contractor assistance from Headquarters along with direct participation by appropriate Headquarters staff on the workgroup
- IEPA will solicit the participation of partner Illinois agencies and along with USEPA will solicit the participation of appropriate Federal agency counterparts.

### **Timing**

- EPA and IEPA will jointly convene and chair a workgroup with municipal representatives and affiliated state and federal partners by January, 2003.

- Develop and institute a central contact provision where municipal officials can identify applicable program requirements, funding sources and contact information by June, 2003.
- A presentation template will be completed and jointly field tested by September, 2003

## 6. **Areawide Contamination of Local Water Supplies**

Extensive contamination of local water supplies has been encountered in some suburban areas in Illinois. The large size of the problem and the difficulty in determining the source(s) of this contamination have led to joint response actions between IEPA and Region 5, USEPA that enhance the overall capability to respond to this type of problem. The IEPA and Region 5 have been investigating the contamination from volatile organic compounds (VOC's) in private wells in unincorporated areas near the Villages of Downers Grove, Lisle and Woodridge.

Between July 2001 and January 2002, more that 750 private wells were sampled by the IEPA to determine the levels of contamination in of solvent-type chemicals, which are VOCs. Since the summer of 2001, the IEPA and Region 5 have been investigating areas that could be sources of the contamination in the groundwater. Approximately 750 sub-surface soil samples were collected and 72 groundwater-monitoring wells were installed during the phase II investigation work. In FY2003, IEPA and Region 5 anticipate that potentially responsible parties will need to perform more fieldwork to fully characterize the sources of contamination.

A strategic response plan was developed and is being implemented by the Contamination Response Subcommittee of Illinois' Interagency Coordinating Committee on Groundwater (ICCG). Under this strategy and Public Act 92-652, IEPA is using the new source water assessment Internet GIS to re-evaluate areas adjacent to community water systems (CWS) where VOC's have been found in excess of groundwater or drinking water standards. This information is compiled by the IEPA and is being sent to the Illinois Department of Public Health and local health departments to provide notice to private well owners that groundwater contamination has been found in community water supply wells or in the area where private wells may exist.

Office of Community Relations Activities - IEPA's Office of Community Relations (OCR) has been involved with the groundwater contamination issues in DuPage County since 2000 beginning with the Lockformer site in Lisle and continuing with Downers Grove sampling in 2001. OCR obtained from private citizens well survey information and access to sample wells and participated in the sampling efforts. Several fact sheets were sent to the Downers Grove and Lisle site contact lists about the results of the private well sampling and, more recently, about the source area investigation. OCR organized and hosted numerous Public Availability Sessions in Downers Grove and Lisle involving numerous agencies/entities to answer questions to the public about the groundwater contamination, the ongoing investigation and public health concerns. OCR responds daily to a variety of citizens' concerns, including the status of the ongoing investigation,

issues concerning their families' health, property transactions, connecting to the public water supply, well abandonment, and whole-house water treatment systems.

Governor's Action Team - IEPA established, at the request of Governor Ryan, an intergovernmental Action Team to address the groundwater contamination issues in DuPage County and Statewide. OCR was instrumental in the formation of the Governor's Action Team (GAT), which represents a coordinated response among legislators and local officials with the state and federal environmental and public health agencies. Governor Ryan has asked the Team to examine the broader issues of groundwater contamination and protection in Illinois and whether additional services or legislation are needed on the local or state level to assist private well owners in having a safe drinking water supply. One of the first actions of the Team was to work with affected residents to develop Citizens' Advisory Groups for the Lisle and Downers Grove impacted areas. IEPA and USEPA hosted a Citizens' Advisory Group Informational Meeting in Downers Grove in February 2002. OCR has orchestrated GAT meetings and has maintained the flow of information among the GAT members and between the Citizens' Advisory Groups and the GAT.

In the event additional private well contamination is found, the joint priority between IEPA and USEPA will work the same as it did in Downers Grove. These cooperative efforts take advantage of new technologies and allow for a pairing of resources to assess groundwater contamination in an expedited fashion. Additionally, USEPA is able to bring CERCLA enforcement capabilities to the table under this joint effort.

## **7. Chicago Waterways**

Increased recreational use of Greater Chicago Area Waterways has heightened concern over the public's exposure to the waters. It is believed that there has been a significant increase in use of the Waterways (North and South Branch of the Chicago River, Sanitary and Ship Canal, North Shore Channel, Little Calumet River, Cal Sag Channel, Calumet River and Lake Calumet). Conversations with the public, particularly on the Little Calumet River and Cal Sag Channel, indicate use of these waters by boaters, fishermen, water skiers and jet skis with occasional total body immersion. Flow in these waterways consists largely of effluent from three large sewage treatment plants in the Chicago Area. This may present a significant public health threat since Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) sampling in the North and South Branches of the Chicago River, Sanitary and Ship Canal and Cal Sag Channel has documented high levels of fecal coliform in these waters. Bacterial problems are to be expected as none of the three large plants that discharge to this system disinfect. Further, there are occasions when Combined Sewer Overflows discharge to these waterways. Most of these waters are currently designated as "Secondary Contact " waters for which bacteria standards do not exist and this designation reflects the historical poor water quality and lack of use by the public.

A Use Attainability Analysis (UAA) is underway for the lower Des Plaines River. This effort has moved upstream. Development of the UAA for the entire remaining segments

of the Chicago Waterway System was initiated in September 2002. The project will be comprehensive in scope and any regulatory activity that may take place as a consequence of its findings, may take several years. The increased use of the North and South Branch of the Chicago River, Sanitary and Ship Canal, North Shore Channel, Little Calumet River, Cal Sag Channel, Calumet River and Lake Calumet demands a quicker investment of resources and calls for the need to balance both the environmental and economic issues with the need to reach consensus on necessary actions. While the areas of focus may need to be defined through a study, it is thought that the greater human health risk lies in the North Branch/Little Calumet/Cal Sag area, from the Calumet Wastewater Reclamation Plant downstream to the confluence with the Sanitary Ship Canal. While the primary area of concern is public health, improved efforts in this area would also be beneficial to aquatic life.

### **Commitments**

With the support of Region 5, IEPA has initiated a UAA of the Chicago Waterway System. As part of this project, IEPA is scheduling public meetings to notify and engage the regional and local agencies, municipalities, permittees, community groups, environmental organizations and other interested public in the UAA process. IEPA has recently issued an RFP for contractual technical assistance in completing the UAA. An initial kick off public meeting was held on September 5, 2002. USEPA will participate in and support both the public outreach and technical assessment aspects of the UAA. Activities include:

- Urban River Restoration Initiative: MOU between USEPA and ACOE - The agencies partnered in this initiative and MOU, signed in July 2002, have recently nominated rivers and will eventually select 10 urban rivers to “pilot” as a demonstration of emphasis on revitalization of urban rivers. The purpose of the initiative is to promote improved water quality, sediment remediation and habitat restoration of the nation’s urban rivers. Region 5 and the ACOE have nominated the Chicago Area Rivers for a pilot project under this initiative. IEPA has agreed to participate in the partnership if the Chicago Area Rivers are selected as a pilot project. The partners have agreed that there are two main functions of the URRI: to coordinate existing Chicago Area Rivers activities and to provide a forum for proposing and obtaining funding for new projects. If the Chicago Area Rivers are selected as a pilot the URRI efforts will seek to coordinate with the existing IEPA’s Use Attainability Analysis, which will in part, assess current environmental data, identify system stressors, determine potential use designations, establish stakeholder involvement and conduct a review of potential methods of pollution control and mitigation measures. The URRI process will build upon the UAA and other ongoing efforts to restore the Chicago Area Rivers as an important natural resource.
- Public health risk notification through signage and/or recreational advisory pamphlet for Chicago River usage - IEPA and USEPA will review and encourage efforts to address the public health risk exposure concern through a joint agency coordination to increase public awareness. The MWRDGC, as the NPDES permittee for the Chicago



WWTPs, has public notification program obligations within their permits to inform the affected public. Currently recreational users of the river may not be informed of the potential health and disease exposure risks associated with their usage. USEPA has initiated contact with Illinois Department of Public Health (IDPH) to discuss these ideas. This activity will involve several partners, the MWRDGC, the City of Chicago, the Friends of the Chicago River, and the IDPH.

- Disinfection (chlorination) of the effluent from Chicago WWTPs - Currently the three large MWRDGC water reclamation plants (Northside, Stickney and Calumet) discharging to the Chicago Waterways do not disinfect their wastewaters since they discharge to Secondary Contact Waters. These waters do not have bacterial water quality standards. There is substantial qualitative information that the public is now using these waters for recreation due to recent improvements in water quality as a result of upgrades done by the MWRDGC at their water reclamation plants. This is particularly true for the Cal Sag System. While there is an effort to upgrade water quality standards of these waters as a part of a UAA effort, this may ultimately take several years. Because of the potential need to disinfect at least at Calumet to protect public safety, we will begin discussions with MWRDGC to encourage this agency to begin planning for disinfection. IEPA will lead this effort.

## **B. Mutual Environmental Interests**

1. Lake Michigan - Both the USEPA Great Lakes National Program Office (GLNPO) and the Region 5 Lake Michigan Team contribute to activities which promote the clean-up, restoration and protection of Lake Michigan, with GLNPO focusing at a Great Lakes Basin-wide level. USEPA's Great Lakes Program brings together federal, state, tribal, local, and industry partners in an integrated, ecosystem approach to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes. The Great Lakes Water Quality Agreement with Canada and the Lake Michigan LaMP provide the agenda for Great Lakes ecosystem management: reducing toxic substances; protecting and restoring important habitats; and protecting human/ecosystem species health. These objectives closely align with Region 5 and IEPA's joint environmental priorities and certain GLNPO activities may be described in those sections as appropriate. Lake Michigan Lake-wide Management Plan (LaMP) 2002 Update was published in April 2002. Illinois EPA, Region 5 and GLNPO continue to work with other Great Lakes States regarding TMDL strategies for Lake Michigan as well as Great Lakes basin wide approaches, and strategies for the Waukegan Harbor Area of Concern (AOC).
  - a. Great Lakes Area of Concern (Waukegan Harbor) - Work continues on final remediation steps for Waukegan Harbor and monitoring recovery. During the summer of 2002 renewed and revitalized interest in completion of dredging the approach channel and outer reaches of the Harbor was fostered by the identification of Yeoman Creek landfill as a potential dredge spoil disposal site. USEPA's finalization of AOC delisting guidelines in late 2001 along with increased support and coordination between state and federal agencies, local citizens and elected officials has produced greater optimism that completion of remaining remediation and

delisting is near. Illinois EPA will maintain close coordination with the Corps of Engineers, Region 5 superfund staff, local officials and the Citizens Advisory Group (CAG) as FFYs 2003 and 2004 are viewed as a significant window of opportunity to facilitate remediation.

- b. LaMP/TMDL - The Agency will continue to support and participate in the committee structure developed to direct and oversee implementation of the various priorities and initiatives in the Lake Michigan LaMP update published in April 2002. Development of strategies to complete TMDLs or alternatives to TMDLs such as the Mercury reduction strategy and invasive species prevention measures are of particular significance among the LaMP objectives.
  - c. Great Lakes Basin Activities - Beyond initiatives of specific application to Lake Michigan, Illinois EPA will continue to participate in broader Great Lakes wide activities such as the U.S. Policy Committee, Binational Executive Committee (BEC), implementation and tracking of activities under the newly adopted Great Lakes Strategy as appropriate and resources allow.
2. Mercury reduction - Both Region 5 and Illinois EPA place a high priority on reducing mercury releases, both to limit the mercury levels in fish within Illinois, and to contribute to the broader efforts within the Great Lakes and globally to control the long-range transport of this pollutant. USEPA is taking the lead on the development of maximum available control technology (MACT) standards for the major mercury-emitting sectors, having already developed standards for medical and municipal waste incinerators. In FY 2003, USEPA expects to propose MACT standards for chlor-alkali plants and industrial boilers. USEPA is working on development of a MACT standard for electric utilities, and has also proposed the use of an alternate "cap-and-trade" approach through the President's Clear Skies Initiative. Illinois EPA has the lead on implementation of MACT standards, on implementation of mercury collection programs, and on implementation of voluntary or mandatory programs to inform the public of the dangers of mercury, reduce the use of mercury and improve the management of mercury-containing wastes.

Region 5 will continue to facilitate information-sharing and coordination on mercury reduction opportunities through the Great Lakes Binational Toxics Strategy Mercury Workgroup and through regular calls among state and federal government staff who work on mercury issues in the Great Lakes. In FY 2002-2003, the efforts of these regional groups are focused on information sharing about policy options and technical tools related to limiting mercury releases from hospitals, dental offices, schools and steel production, and to the development of mercury pollutant minimization plans for sewage treatment plants. USEPA will host a meeting that will explore approaches that State and local governments can take to limit mercury releases from dentistry. Illinois EPA will participate actively in these information-sharing activities, and will continue and expand its efforts to promote mercury reductions in these sectors.

In addition, USEPA and Illinois EPA will participate actively in the USEPA-Quicksilver group effort to improve mercury efforts nationally, through the development of a

National mercury action plan with State input, and the development of coordinated federal-state policies related to the storage or retirement of surplus mercury and the development of TMDLs for mercury.

## **VI. PUBLIC INVOLVEMENT**

Both the IEPA and the USEPA are publicly accountable government organizations that exist to protect human health and the environment. This agreement is an evolving public document that can inform and guide public debate on environmental problems, goals, priorities, strategies and accomplishments; a document whose development and content over time will be in part shaped by public involvement. The agencies commit to development and use of a mix of approaches to effectively achieve public outreach and involvement.

Public outreach and involvement have several fundamental purposes:

1. Public information - to increase public understanding of the critical environmental issues facing the State.
2. Public education - to share information with the goal of motivating environmentally desirable public behaviors.
3. Public involvement - to engage in dialogue with stakeholders in order to gather their input and feedback systematically, offering an opportunity to shape the content and direction of environmental programs. Stakeholders include the other governmental entities, the regulated community, interest groups, academia, and the general public.
4. Coordination - to engage in cooperative discussion and activities with other providers of environmental protection services (e.g., other state and federal agencies, local governments, public, private, and non-profit groups) to ensure that planning goals, strategies, and implementation measures maximize environmental benefits and minimize duplication, gaps, and inconsistencies.

For FY03, IEPA and Region 5 held four focus group sessions. The session for business interests was held on October 1, 2002. A session for environmental interests was held October 4, 2002. Two sessions for local government interests were held on October 3 and 16, 2002. An attachment presents a summary of the discussions, including IEPA's responses, and lists the participants in these sessions. IEPA has also prepared and attached a master list of MOA/MOUs.

## **VII. PROGRAM PERFORMANCE AND ACCOUNTABILITY**

For this agreement, we have continued to refine the goals, objectives and indicators to fit the hierarchy ("SMART" Chart) agreed to by ECOS and USEPA. We have included the environmental goals and objectives, and program objectives and outcomes in the main text of the

agreement. Program outputs are all listed as an attachment. This approach reflects our desire to emphasize focusing on environmental results.

IEPA and Region 5 continue to evaluate the national environmental data and reporting systems for each major program to identify good candidates for streamlining, wherever possible. This effort is believed to be critical for realizing the full potential of the NEPPS. During FY 98, a Reporting Requirements Inventory was completed (see attachment). Over time, we expect this master inventory to reflect the outcome of agreed reporting burden reductions or other changes.

IEPA and, when applicable, Region 5 agree to the following multi-program performance deliverables for FY 2003:

- a. Program weaknesses or improvement needs that are identified in annual reports or assessments, in concert with EPA's perspective on environmental conditions and program performance, will be appropriately addressed.
- b. National environmental information and reporting systems will be supported through timely submittal of data that is collected by the State and Region.
- c. Suitable fiscal controls will be operational and adequate financial reporting will be maintained.
- d. Core performance measures will be addressed as shown in the program-specific sections of this agreement.
- e. Performance strategies will be implemented and results achieved will be evaluated in the next annual performance report and self-assessment.

To accommodate what we are still learning about NEPPS, we may need to revise our performance expectations at appropriate times during the year. Both parties are amenable to being responsive to responsible requests for change as the circumstances may dictate.

### **Partnership Capacity Building**

- A. Building Integrated Information Management and Sharing Capacity - Region 5 is working with IEPA on a shared vision for information management and ensuring that such a vision is reflected in performance partnership agreement and grant. The parties are also involved in related capacity building as follows:
  1. IEPA is utilizing EPA's One Stop grant funding to develop an integrated facility management system, Agency Compliance and Enforcement System (ACES), scheduled for completion by the end of calendar year 2002. At the core of ACES will be a tie file subsystem to provide unique identifiers for each facility based upon the Environmental Council of States' (ECOS) recommendations in the Facility Identification Template for States (FITS).
  2. Second, IEPA will use USEPA's Network Readiness Grant funds to continue its progress in promoting the efficient and effective utilization of environmental data for the purpose of improving environmental conditions. In the next three years, IEPA anticipates working toward providing new data flows to the National Emissions Inventory, Facility

Registry System data, RCRA-INFO, STORET, AQS and UCMR. The data flows will be detailed in Trading Partner Agreements (TPAs) between USEPA and IEPA and will necessarily involve the relevant program offices in the Region and IEPA.

3. In addition, IEPA is developing an electronic Discharge Monitoring Report System (eDMR) that will use PKI technology to support digital signatures.
- B. Quality Management Plan - The QMP for the IEPA was approved on September 4, 2001, and the implementation of the approved QMP began during FY2002. IEPA has designed a quality management system that will be integrated with key aspects of the annual NEPPS process. The performance self-assessment and the annual performance report will address the results of evaluation efforts. The agreement will serve as the vehicle for describing planned work. The following implementation work will be undertaken in FY03:
1. Training - IEPA has requested Region 5 to conduct two training course for the quality staff. The courses were scheduled for March 25 and 26, 2002 but were postponed at the request of Region 5. These courses are rescheduled for sometime in October, 2002.
  2. Second Annual Systems Planning Workshop - Illinois EPA will hold the second workshop in June, 2003. Quality staff and some managers from across the Agency will participate in this workshop. Region 5 will be invited as well. Agency staff will give presentations covering a wide range of program areas and topics. A proceedings document is published following each workshop.
  3. Master Inventory of Standard Operating Procedures - Illinois EPA has completed a master inventory of SOPs for the Agency. This inventory will be updated each year in concert with the annual quality workshop.
  4. Quality Assurance for Procurement (Contracts) - Illinois EPA has developed generic language for contracts that involve data collection and analysis. The intention is for all programs to use this generic provision.
  5. QA evaluations - IEPA is considering doing some internal evaluations relating to QMP implementation.

### **Flexibility Pilots - Third Round**

This agreement places special emphasis on partnership realization by identifying several **flexibility pilots**. These pilots are aimed at improving current operational practices or trying some alternative performance arrangements. For FY03, we will conduct the following flexibility pilots:

1. Lake Michigan LaMP/TMDL - The components of the Lakewide Area Management Plan are very similar to the key elements for TMDLs. As one of four states that border Lake Michigan, Illinois cannot independently satisfy TMDL requirements. Effective involvement and coordination from USEPA is necessary to ensure a manageable outcome for both the

LaMP and the TMDL processes. An integrated approach has been committed to in the Lake Michigan LaMP 2000 and should be pursued so that the final LaMP addresses eventual development of an approvable TMDL in a timely manner. For FY03 the Agencies will participate in strategy and stakeholder meetings to develop the action plan.

## MEDIA PROGRAMS

### A. Clean Air Program

1. **Program Description** - The Bureau of Air is organized, functionally, around five priority program areas:
  - a. **Ozone** - One major metropolitan area in Illinois, the Metro-East area, is part of an interstate area that continues to be out of compliance with the 1-hour ozone standard. As of October 31, 2001, the Chicago severe ozone nonattainment area had three years of monitored attainment of the 1-hour ozone standard. Although IEPA expected to submit all of the materials necessary to formally petition for redesignation to attainment in late Summer 2002, however, the area has again measured nonattainment. Over the June 21-24, 2002 time period, a non-typical combination of weather conditions (extreme heat, high solar intensity, low wind speeds, and a pronounced Lake Breeze effect) and poor air quality just upwind of the area and that ultimately moved into the Chicago nonattainment area resulted in a number of exceedances of the 1-hour ozone standard. The monitoring station at Chiwaukee, Wisconsin (included in the area's monitoring sites as a downwind site) now has four exceedances over a three-year period (2000, 2001, 2002), with a design value of 132 parts per billion (ppb) which is in excess of the standard of 125 ppb. The design value of the area in 1991 was 190 ppb. Thus, while the area is again nonattainment, it has experienced significant improvement in 1-hour ozone air quality.

While conditions in the Metro-East area continue to improve, that area continues to impact Jersey County such that the maintenance plan for Jersey County is now in effect. Notably, if the Metro-East nonattainment area does not experience any more violations at the critical monitor, the area will be eligible for redesignation at the end of the 2002 ozone season.

- USEPA and IEPA have made significant progress in regard to the NOx transport SIP. Illinois has completed all of its required submittals pertaining to the NOx transport SIP Call, and USEPA has approved these rulemakings. IEPA attended USEPA/CAMD sponsored NOx SIP Call training in FY02. IEPA has issued its first year of Early Reduction Credits under the NOx SIP Call, and is in the process of designing its implementation policies and procedures for the other elements of the program.
- In addition, Illinois completed a statewide rate-based rule for large EGUs (Title 35 - Subpart V) to support attainment of the one-hour ozone standard in the Metro-East ozone nonattainment area that is effective May 1, 2003. USEPA has approved the Subpart V SIP revision.
- Illinois has also completed its one-hour ozone attainment demonstrations for both the Chicago and Metro-East ozone nonattainment areas and these ozone attainment demonstrations have been approved.

In addition to our efforts to address 1-hour ozone nonattainment, we are tracking USEPA's actions regarding 8-hour ozone implementation policy. The ozone program includes all activities relative to ozone, from monitoring to rulemaking to participation in subregional assessments of ozone to operation of the enhanced vehicle emissions testing program to voluntary measures through the Partners for Clean Air Program and the Clean Air Counts Campaigns.

- The Partners for Clean Air (PFCA) is a voluntary organization of industries and other entities in the Chicago area who take certain actions on Ozone Action Days (days when meteorologists predict that the weather patterns are conducive to ozone formation). The Agency forecasts Ozone Action Days based upon weather information and notifies the Partners. The Partners (with their employees) then take one or more actions to help reduce emissions of VOM. Such actions include staggered work hours to reduce rush hour traffic, telecommuting, and suspension of landscaping activities that involve use of small engines such as lawnmowers.

In 2002, the number of Corporate Partners was over 400, from only 15 at the beginning of the program in 1995. Federal funds have been received from the Congestion Mitigation Air Quality program to support our efforts of public education and outreach.

Significant public education and outreach efforts include:

1. Paid radio advertisements throughout the Ozone Season featuring Breathe Easy Man.
2. Dedicated website for up-to-date information about air quality, [cleantheair.org](http://cleantheair.org). Between 5,000-7,000 visits are made to the site each month.
3. Posters throughout the Illinois Tollway during August 2002 featuring the superhero.
4. Hiring an actor in costume to portray Breathe Easy Man at approximately 20 festivals and events, and news shows throughout the Chicago-land area, carrying the clean air message especially to children.
5. Providing giveaways to promote clean air featuring Breathe Easy Man, including temporary tattoos and coloring books.
6. Blast fax and e-mail services to notify the media, PFCA and interested citizens of Ozone Action Day declaration.
7. Press releases were sent to Chicago media declaring the first Ozone Action Day on June 22, 2002.

The Agency's public education efforts have also increased public awareness of actions that individuals can take to reduce ozone formation on Ozone Action Days.

#### "Green Pays on Green Days" Educational Program

The IEPA has partnered with the Partners for Clean Air, local businesses, USEPA, the City of Chicago and media groups to sponsor a summer long ozone educational program called the "Green Pays on Green Days" Giveaway Program. Through Green



Pays on Green Days, residents of the Chicago metro area counties of DuPage, Cook, Kane, Will, Lake, McHenry, Grundy and Kendall in Illinois were able to enter the contest by pledging to take one or more “Green Actions” on Ozone Action Days when weather conditions are favorable for smog formation. The “Green Actions” are the top ten ozone tips formulated by the Partners for Clean Air and are designed to reduce ozone. By sending in their Clean Air Pledge, citizens will be entered into drawings for environmentally friendly prize packages. The program ran from May 27, 2002 through September 2, 2002.

The pledge/entry forms could also be submitted online, through mail-in forms on the weather page of the Friday Chicago Sun Times, or through mail-in forms from “Green Pays on Green Days” posters placed throughout the Chicago area. The Friday Sun Times weather page also included a Clean Air Fact and a Clean Air Tip for the week, designed to educate citizens on air quality issues. Throughout the summer, the Green Pays on Green Days campaign, along with Breathe Easy Man, the IEPA’s air quality superhero, appeared at local festivals, including the Taste of Chicago, to educate citizens about clean air.

The Green Pays on Green Days giveaway program awarded environmentally-friendly products, thus encouraging citizens to purchase and use these products in the future. Daily and monthly prizes may include products such as energy efficient light bulbs, mass transit passes, green cleaning products, drip-less gas cans and charcoal starters, to name a few, and for the larger monthly prize drawings, ENERGYSTAR® products from Sears, Roebuck and Co. The Grand Prize is a 2002 Honda Insight - a Super Ultra-Low Emissions Vehicle – donated by Grand Honda of Elmhurst, and will be awarded at the end of the program.

The status of the air quality was a feature of this program, and prizes were awarded on days when the six-color national Air Quality Index forecasts that air quality in the Chicago metro area is good or on “Green Days”. The Air Quality Index was featured in both the Chicago Sun Times and the Chicago Tribune and on the NBC5 weather report.

The Partners' Top Ten Tips for Ozone Action Days are included on the next page. The PFCA accounted for an estimated 20.0 tons of VOM emissions reduced during the 2001 ozone season. We believe the efforts of the Partners and other individuals have been important in reducing the number of ozone exceedance days.

For FY03 the IEPA will continue its role in providing leadership and play an active role in the PFCA of businesses, governments and non-profit organizations throughout the Chicago-land area.

Also, in FY03, we will continue to promote the PFCA own superhero, "Breathe Easy Man," to highlight the voluntary actions that can be taken to reduce air pollution. We will also participate in significant public education and outreach efforts. We also

hope to continue to sponsor a “Green Pays on Green Days” campaign in the 2003 ozone season assuming IEPA can raise sufficient contributions to fund this campaign.

- b. Title V Program Implementation - This element of the Clean Air program includes the significant permitting activities required by the Clean Air Act. The primary focus in FY03 is to continue to improve our rate of issuance. Our emphasis in FY03 will be to issue CAAPP permits as expeditiously as possible. The Bureau of Air continues to maintain a very positive and mutually beneficial working relationship with Region 5. Region 5 has significantly decreased the amount of time spent on review of the Title V permits, consistent with our agreement. Further, our agreement for Region 5 to concurrently review proposed permits while they are at public notice has helped to speed up the federal review process.

IEPA recognizes the need to issue its initial CAAPP permits, and has formally committed to issue all initial CAAPP permits by December 31, 2003, and has committed to interim milestones to demonstrate it is on course to issue the remaining initial permits. IEPA continues to ensure that despite budget restrictions, issuance of CAAPP permits receives high priority.

We also intend to participate in and tracking the development by USEPA of revisions to the New Source Review Program, amendments to Part 70, and other related actions prior to seeking amendments to the state program.

- c. Air Toxics - Emissions of toxic air pollutants has been a concern of both the IEPA and USEPA for many years. Illinois has been active in the development of maximum available control technology (MACT) standards, required under the Clean Air Act for a number of years. We also anticipate that under Section 112(j) of the Clean Air Act we will be required to develop and implement on a case by case basis at least ten, and perhaps more, of the MACT standards that are not expected to be promulgated by the statutory deadline. IEPA will continue its extensive outreach in the form of conferences, workshops and direct mailings to sources that are potentially affected by new NESHAP source category requirements. However, because of resource constraints, the IEPA anticipates it will struggle to address the permit applications it will receive as a result of USEPA's recent proposed agreement with Sierra Club to require industries to submit permit applications to address MACT standards by May 15, 2003. We will also continue our participation in various regional and national activities, including the Cumulative Risk Initiative and development of national rules and guidance pertaining to area sources and residual risk. IEPA will continue to work with Region 5 on proposals for Pollution Prevention audits to be conducted by Delta Institute under a grant, and will continue to schedule eight to ten sources identified under CRI for inspections in FY03.
- d. Compliance - Activities traditionally associated separately with field inspections and enforcement all come under the larger umbrella of compliance. The Bureau will proceed to update and implement the compliance workplan between it and USEPA, Region 5, addressing these activities, including any special projects, routine inspections, report reviews, emissions testing and monitoring reviews, and other compliance activities. The

Bureau will also participate in specific state and federal initiatives, including implementation of MACT standards as they are promulgated.

The Enforcement Response Plan (ERP) and the Compliance Memorandum of Agreement were both signed by Region 5 during FY00 and are followed. Illinois continues the implementation of the High Priority Violation policy established in FY00. Effective communications are being maintained between IEPA and Region 5 on an ongoing basis through meetings and regularly scheduled conference calls.

In FY03 we will include an effort to initiate the use of a computer enterprise system (relational databases) called "ACES." This will, in the short term, redirect some traditional compliance efforts and resources, but should, in the long term, significantly improve compliance and compliance tracking, and reporting capabilities.

- e. Base Programs and National/Regional Priorities - Although the four program areas listed above are very focused priorities, the base programs must continue to function so as to maintain the progress we have achieved thus far both in the area of ozone reductions and with regard to other pollutants, such as sulfur dioxide (SO<sub>2</sub>) and particulate matter (PM). Such base programs include air monitoring, state permitting, and data management, among others. Although many of the activities implementing the Agency's pollution prevention and small business programs are carried out by Field Operations Section inspectors and Permits Section analysts, coordination of these programs within the Bureau of Air is included in Base Programs. At the same time, there are key national and regional initiatives that should be included in our priorities, such as deployment of speciation monitoring network to assess fine particulate matter (PM<sub>2.5</sub>) and regional haze.

- Quality Management Plan

The IEPA Quality Management Plan (QMP) that includes QMPs for the individual bureaus has been approved by Region 5. The Bureau of Air plans to proceed with implementation of our plan in FY02. The Bureau's goal for FY03 is to continue development of any necessary programs that are not currently in place that are part of our QMP. We will also be reviewing and revising any existing programs, as necessary, to comply with implementation of our QMP.

The first step in our implementation process will be to evaluate our quality training needs and to work with Region 5, either as a bureau or through a coordinated Agency effort, to develop a comprehensive training curriculum. Initial training by USEPA is scheduled to begin this fall.

In FY03 the Bureau of Air will also start developing a Records Management System as part of our QMP implementation process. This project will require use of a great deal of time and resources for the Bureau and will be an ongoing project.

2. **Program Linkage to Environmental Goal/Objectives** - Trends in air quality gauge the success of the air pollution control program. These trends are determined from a combination of air quality measurements and emission estimates. The planned program objectives and program activities of the air program contained in this agreement will contribute in a variety of ways to the improvements reflected in those trends. For example, the declining trend in air quality exceedances and the steadily improving air quality conditions measured through the Air Quality Index provide an indication of the quality of the pollution control regulations and the effectiveness of the compliance assurance program. Emission trends illustrate the direct relationship between the control program and reductions of the targeted pollutants in the atmosphere. A summary of our environmental goals, environmental objectives, and the measures that demonstrate progress towards these goals and objectives is as follows:

# Environmental Goal

Illinois should be free of air pollutants at levels that cause significant risk of cancer or respiratory or other health problems. The air should be clearer (i.e., less smog), and the impact of airborne pollutants on the quality of water and on plant life should be reduced.

<u>Environmental Objectives</u>	<u>Environmental Indicators</u>
<p><u>General Air Quality:</u></p> <ol style="list-style-type: none"> <li>1. Maintenance of 90%<sup>1</sup> "good" or "moderate" air quality conditions in the areas of the state outside the Lake Michigan and Metro-East 1-hour ozone nonattainment areas.</li> <li>2. Maintenance of 90% "good" or "moderate" air quality conditions in the two 1-hour ozone nonattainment areas.</li> <li>3. Maintenance of attainment status for pollutants other than ozone<sup>2</sup>, especially in urban areas.</li> </ol> <p><u>Ozone:</u></p> <ol style="list-style-type: none"> <li>4. Attainment of the 1-hour ozone standard by 2007.</li> </ol>	<p>Air Quality Index levels outside the 1-hour ozone nonattainment areas.</p> <p>Air Quality Index levels in the 1-hour ozone nonattainment areas.</p> <p>Trends in monitored levels of each criteria pollutant other than ozone.</p> <p>Trends in the relationship between the number of days in exceedance of the 1-hour ozone standard in the nonattainment areas and the number of days conducive to the formation of ozone.</p>

<sup>1</sup>The Air Quality Index, which replaces the Pollutant Standards Index, includes the 8-hour ozone and PM<sub>2.5</sub> standards. It also includes six categories of air quality: good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous.

<sup>2</sup> Although the 8-hour ozone standard has been upheld by the U.S. Supreme Court, the Court has remanded the case to USEPA to more fully articulate its implementation policy for the 8-hour ozone standard. USEPA has not yet issued a response to this remand order. Although the fine PM standard was also upheld, it cannot serve as a basis to limit air pollution from any individual source until several preliminary steps are completed, including design of a monitoring network, actual monitoring for fine PM and analyses of monitoring samples. Thus, there is currently no regulatory schedule for implementing the fine PM and 8-hour ozone standards. Illinois has continued deployment of our fine PM monitoring network and has collected data. Monitoring for 8-hour ozone is also ongoing and Illinois has submitted its proposed designations for 8-hour ozone nonattainment areas to USEPA. Because the monitoring data for fine PM is still incomplete, and implementation of the 8-hour ozone standard is uncertain, meeting these two new NAAQS will not be a specific goal of this FY03 NEPPS. However, Illinois will continue to meet its obligations to monitor these pollutants and will timely respond to any USEPA action on these standards. It should be noted, however, that data relative to the new standards has been used in calculating the "Air Quality Index".

<u>Program Objectives</u>	<u>Program Outcome/Measures</u>
1. For the Chicago ozone nonattainment area, 2003 total ozone season weekday VOM emissions will be at or below 760 tpd.	Seasonal VOM emissions in the Chicago area 1-hour ozone nonattainment area by sector.
2. For the downstate ozone attainment area, 2003 total ozone season weekday NOx emissions will be at or below 1610 tpd.	Seasonal NOx emissions outside the Chicago 1-hour ozone nonattainment area by sector.
3. Reductions in emissions of hazardous air pollutants.	Trends in hazardous air pollutants as reported through the National Toxics Inventory.
4. Minimize the number of days of high priority violation.	Average number of days for significant violators to return to compliance or to enter into enforceable compliance plans or agreements.

3. **Performance Strategies** - Performance strategies include the daily activities performed by the Bureau of Air that ensure that our environmental goal and program objectives and outcomes are being met. The performance strategies are described below as program activities. Attaining the 1-hour ozone standard is a priority with the IEPA, and the planning activities related to it have been identified as an area of program activities. The program activities performed in the other four priority areas described below also support the progress we have made towards attainment of the 1-hour ozone standard, as well as support for maintenance of the other criteria pollutants. For example, a source's permit includes conditions that limit the source's emissions of ozone precursors as well as other pollutants so that the source's emissions do not cause or contribute to exceedance of any air quality standard.
- a. **Ozone** - The 1-hour ozone standard is the only one of the six "effective"<sup>3</sup> criteria pollutants for which the State of Illinois is not in attainment. Therefore, attaining the 1-hour standard is a priority for us, and it deserves attention separate from the other, more functional programs in the Bureau of Air.
- **General** - IEPA will continue and expand upon our previous progress towards obtaining voluntary episodic emission reductions through the Partners for Clean Air, including measurement of program support, assessment of SIP credit potential, and continuation of our public education efforts. If sufficient funding can be obtained, we will sponsor a "Green Pays on Green Days" educational giveaway program during the 2003 ozone season. Additionally, we will participate in ozone forecasting and mapping projects.

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<sup>3</sup> As discussed *supra* in Footnote 2, there is currently no regulatory schedule for implementing the fine PM and 8-hour ozone standards.

- 1-Hour Ozone - When USEPA has completed its remand rulemaking establishing limitations on NOx emissions from internal combustion engines, IEPA will adopt and submit the necessary rules to USEPA. IEPA will submit the annual statewide emission inventory of major sources including ozone precursors in NET format, to USEPA. IEPA will also continue participation in the Clean Air Counts campaign between communities in northeastern Illinois and USEPA in an effort to find creative means of obtaining reductions of VOM and NOx to further enhance air quality in the area.
  - 8-Hour Ozone - IEPA will track and timely respond to USEPA's final designations of the 8-hour ozone standard, and its development of planning guidance for implementing the 8-hour ozone standard.
  - Mobile Source Programs - IEPA will continue to add programs and initiatives for motor vehicles and fuels, with an emphasis on clean, alternative fuels and advanced vehicle technologies. The Clean Fuel Fleet Program, the Illinois Alternate Fuels Rebate Program, and the Stage I, Stage II, and Tank Truck certification programs for vapor recovery will continue. Staff will continue to work on new initiatives and projects with the State's Clean Cities collations and select companies to promote clean fueled vehicles, development of fuel infrastructure and niche markets for clean, alternative fuels with federal and state funding. In addition, the Illinois Green Fleets Program was recently launched. Green Fleets provides recognition and additional marketing opportunities for those government and business fleets in Illinois that implement alternative fuels and vehicles into their fleet. Designated "green fleets" will be highlighted in newsletters and on a website.
  - On-Board Diagnostics (OBD) - Following legislation to allow OBD testing, IEPA began "clean-screen" OBD testing in July 2002, and will move to full pass/fail OBD testing in January 2004. These rules have been adopted by the Illinois Pollution Control Board. IEPA will also make a SIP revision to the USEPA for pass/fail OBD testing.
- b. Title V Program Implementation - IEPA will continue to improve its rate of issuance of Clean Air Act Permit Program (CAAPP - Illinois' Title V program) permits, and ensure that sources in the State are aware of their obligations to comply with their CAAPP permits. IEPA has committed to a schedule for issuing all initial Title V permits by December 2003. IEPA will also continue to provide Region 5 with draft/proposed permits for federal review concurrent with public notice and review. Improving our rate of issuance of CAAPP permits is a necessary and important element of our air program that assists Illinois in meeting its environmental and program objectives of attaining the ozone standard and maintaining attainment of the other NAAQS. The Bureau of Air and Region 5 will jointly determine and address any required revisions to the Title V program resulting from adoption of USEPA's final amendments to 40 CFR part 70 and any permitting issues. We will process construction permit applications, including PSD and New Source Review evaluations, as appropriate. The Bureau will improve its rate of input into the RACT/BACT Clearinghouse.

- c. Air Toxics - The Bureau of Air's air toxics program reflected very active participation at the national level in the development of MACTs, at the state/regional level through our participation in the mercury initiative and the Great Lakes project, and at the state level in the development of data relative to toxic pollutants other than HAPs that Illinois has identified as being of concern in this state. IEPA will continue these activities with emphasis on the following:
- MACT Development - We will continue our very active participation in development of MACT standards during FY03, including participation in the development of NESHAPs for the miscellaneous organic NESHAP, iron and steel foundries, site remediation, metal can coating, and miscellaneous metal parts products coating, among numerous others.
  - § 112 Implementation - IEPA will continue implementation of § 112 major HAPs requirements consistent with the Delegation Agreement between Illinois and USEPA. Moreover, IEPA will work with Region 5 in implementation of § 112(k) through the various community-based initiatives identified below. USEPA did not complete 43 of the MACT standards by the May 15, 2002 promulgation deadline. Thus, under § 112(j) of the CAA, the "hammer clause" is being triggered, and IEPA must determine MACT for sources in a source category subject to a pending NESHAP and either accept or reject the MACT proposal. This will involve extensive work on IEPA's part to notify the hundreds of potentially impacted sources of this requirement and, to work with the Illinois sources to help them understand their obligations, to evaluate potential control measures, and to assist sources in their preparation of approvable permit applications. IEPA will coordinate the MACT determinations with Region 5 staff.

Because of resource constraints, the IEPA anticipates it will struggle to address the permit applications it will receive as a result of USEPA's recent proposed agreement with Sierra Club to require industries to submit permit applications to address MACT standards by May 15, 2003.

- Monitoring - IEPA commits to continue its data collection and monitoring for PAMS and selected urban air toxics. Monitoring data will be quality assured and submitted to AIRS on the same schedule as the PAMS data is submitted. IEPA will cooperate with Region 5 on the evaluation of the monitoring data results and interpretation of historical monitoring data.
- Urban Toxics Strategy - Illinois will work with USEPA within the framework of the Integrated Urban Air Toxics Strategy, including evaluation of the impact of the strategy on Illinois source sectors, evaluation of federal/state roles, and determination of the significance of sectors not affected by MACT standards. IEPA will identify high priority sectors after reviewing the most recent, updated toxics inventories and look for emission reduction opportunities in Chicago through pollution prevention and other voluntary reduction efforts. This includes stationary source measures as well as those for mobile sources such as a diesel retrofit program, lawnmower by-back program, etc. Illinois will continue to work with the City of Chicago's



Departments of Environment and Aviation to provide technical assistance regarding ways to reduce toxic emissions from area and mobile sources through the use of lower emitting paints and coatings, and the use of clean alternative fuels.

- Local-Scale Toxics Assessment - IEPA commits to working with Region 5 to assess and, where necessary, update the inventory for the Cumulative Risk Initiative (CRI). IEPA will work with Region 5 to evaluate the inventory and identify pollutants of concern and explore opportunities to gain voluntary reductions of those pollutants where appropriate. IEPA will develop an approach based on the improved inventory information, the CRI HAPS, and NATA data to screen CRI facilities and identify those that appear to be sources of concern. IEPA will then select one or more of these stationary sources to analyze further utilizing available tools and techniques, and determine if reductions, likely voluntary, would be appropriate. Efforts are underway to identify a group of sources for pollution prevention audits based on CRI data in the next fiscal year.
  - National Air Toxics Assessment (NATA) - IEPA commits to tracking the development of the NATA and evaluating its results, including coming to an understanding of USEPA's methodology. IEPA will also work with Region 5 in providing outreach and a forum by which questions that arise from the public availability of NATA and the CRI can be answered on a professional basis by either agency. IEPA and Region 5 will collaborate to interpret NATA results and examine where these results can be useful in local-scale assessments.
  - Great Lakes Project - Illinois will continue its work on air toxics inventory enhancement in conjunction with the Great Lakes Project. Additionally, Illinois will collaborate with Region 5 and the other Great Lakes states to develop a long-range regional plan to address air deposition.
  - Mercury Initiative - Illinois will continue its work with other Region 5 states regarding determination of the uses of mercury and how to address reduction of its use and in Region 5's Binational Toxics Strategy Mercury Workgroup to reduce releases of mercury in the Great Lakes Basin. As resources permit, IEPA will deploy state-of-the-art mercury monitors to provide more specific information regarding mercury deposition.
  - Inventory Update and Development - We will continue to work with Region 5 to refine Illinois' air toxics inventory as part of NATA including the quality assurance and completion of the 1999 inventory of 188 HAPS in NET format and development of 1999 database modeling parameters. IEPA will work to ensure that HAP emissions data is being reported as required through Illinois' annual emissions reporting requirements and that reported data is input into its computerized emissions inventory system.
- d. Compliance - All compliance matters, including field inspections and enforcement, are addressed under this category.

- Inspections - The Field Operations Section will execute the inspection plan established in conjunction with Region 5, USEPA. The plan will utilize a comprehensive approach to planning all compliance activities, including a priority/resource based analysis of inspections and other inspector related activities. This includes sources with Clean Air Act Permit Program permits and Federally Enforceable State Operating permits, agricultural facilities, refineries, steel companies, chemical manufacturers, Emission Reduction Market System participants, other large emitters, asbestos demolition and renovation projects, complaint and enforcement follow-up investigations, and complicated emitters. As FFY 03 proceeds, we will use this method to refine our analysis and resource allocation to ensure the most effective inspection program possible based on available resources.

In addition to our inspection efforts, we have intergovernmental agreements with the City of Chicago Department of Environment and the Cook County Department of Environmental Control. The agreements outline specific inspection and other activities that they perform on our behalf. These activities are mostly related to dry cleaners, asbestos removal activities and complaint investigations.

The Compliance and Enforcement Section of the Bureau of Air will facilitate the comprehensive and effective compliance and enforcement activities of the Bureau of Air. The section will support any state, federal or joint state and federal initiatives. The section will support routine compliance activities that yield information regarding a source's compliance status. Specifically, the section will pursue noncompliance identified through inspections, permit reviews, records reviews, emissions testing and monitoring reviews, or any other activities. Emphasis will be placed on the following: NESHAP sources, major sources of VOM, NSR/PSD sources, Title V annual compliance certifications and emissions testing and monitoring issues. The section will continue to participate in the development and implementation of the Agency and Compliance Enforcement System (ACES). Additionally, the section will ensure compliance with the ERMS, including trades. IEPA will continue its annual performance review and report as provided in the ERMS rules.

- e. Base Programs and National/Regional Priorities - The base programs are those areas of the air program that continue every day to assure clean air in the state. This element of the air program includes, for example, air monitoring and analysis and speciation of fine PM. National/regional priorities are those specific areas of air pollution control that USEPA or Region 5 has identified as deserving of particular attention.
- Air Monitoring - The Bureau of Air will compile a complete and valid air quality database sufficient to meet program needs and USEPA's requirements. We will operate the air monitoring network pursuant to USEPA's guidelines. Additionally, we will continue to obtain data from the PM<sub>2.5</sub> monitoring system and will deploy the remaining five chemical speciation sites as federal funding allows. It is important that federal funding pursuant to § 103 be continued and be timely. We will work with Region 5 to conduct audits on CEMs.

- State Permitting - The Bureau of Air will continue to process construction and “lifetime” operating permit applications for state (non-Title V/non-FESOP) sources and provide proposed construction permits to Region 5 as appropriate.
- PM2.5 - Through multi-state workshops coordinated by LADCO, Illinois and the other LADCO states’ staffs have begun developing the process to expand the state inventories to include emissions of PM2.5 and PM2.5 precursors.
- Regional Haze/BART - The Bureau of Air has worked with the Midwest Regional Planning Organization (LADCO) and other midwestern states to develop and actively participate in a process to address the requirements of the 1999 Regional Haze Rule. The Bureau of Air will continue to participate in conferences and workshops necessary to address regional haze.
- Vehicle Programs - The Bureau of Air will implement its Clean Fuel Fleets Program and will continue its programs addressing vapor recovery (Stage I, Stage II, and Tank Truck Certification). Although funding for the program ended on June 30, 2002, IEPA will also continue operation of the State program established pursuant to the Illinois Alternative Fuels Act, which is to encourage the use of alternative fuels in the State, partially through encouraging establishment of a refueling infrastructure, until monies are depleted.
- Data Management - Data management is a program important to the Bureau of Air's ability to efficiently handle the vast amounts of data generated through permitting, inspections, inventory development, air quality planning, monitoring, and so forth. It is an element of our program that supports our efforts to attain the ozone standard and to maintain attainment with the other NAAQS.
  - ERMS Database Implementation - The Bureau of Air will continue to collect and maintain all relevant data including HAP data, and thereby evaluate the performance of the program.
  - Annual Emissions Reporting - The Bureau of Air has revised the Annual Emission Report rules to encompass special ERMS reporting of HAPs, as well as other changes in reporting requirements since it was last amended.
  - Integrated Comprehensive Environmental Data Management System (ICEMAN) - We will continue to expand the capabilities of ICEMAN. Areas of importance include: extracting modeling-ready data, web access by the public to appropriate data and modifications, as necessary, to implement the Compliance Monitoring Strategy (CMS) requirements.
  - Agency Compliance and Enforcement System (ACES) - In cooperation with other parts of IEPA, we expect to complete the detailed design and the implementation of ACES at an Agency level by June 2003.
- Community Relations - The Bureau of Air is committed to involving the public (citizens, community leaders, and company representatives) in various Bureau activities. The Bureau of Air, through the Office of Community Relations, disseminates information and promotes public involvement in various Bureau

programs through a variety of outreach mechanisms, including public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases, and responsiveness summaries. Community Relations is engaged in an ongoing process to maintain a dialogue with individuals and groups to ease public concern, raise public awareness, and increase public trust.

- Multimedia Agency Programs - The Bureau of Air will continue its active participation in the Agency's public education program, including actions to educate the public regarding measures individuals can take to help reduce pollution. IEPA's Pollution Prevention Program is assisted by the Bureau of Air principally through Permits and Field Operations Sections; these Sections will enhance their assistance to metal finishers, coaters, and other sources. Pollution prevention assistance will continue to be a routine part of inspections performed by Bureau of Air inspectors. Inspectors and permit analysts will assist small businesses in their awareness and understanding of existing and proposed MACT standards and air pollution regulations. As described above under Air Toxics, we will continue our participation in the Great Lakes Project.
- National/Regional Priorities - As described above, we will continue active participation in the development of MACT standards. Any MACT standards not timely developed by USEPA must nevertheless be implemented by the IEPA pursuant to Section 112(j) of the CAA as of May 15, 2002. Any such activities will be administered by IEPA under the Delegation Agreement. IEPA will continue to participate in Section 112(f) residual risk committees for targeted MACT standards. Section 112(f) is expected to be a component in the Urban Air Toxics Integrated Strategy development over the next five years. Also, as described above, we will participate with Region 5 in performing audits of CEMS, particularly those for SO<sub>2</sub> and NO<sub>x</sub>. Region 5 will help the state in its participation on a national level in the development of ozone policies and will work with the Agency to streamline Title V. The Bureau of Air will participate in the Chicago Compliance Initiative and the Clean Air Counts campaign.

#### 4. Clean Air Program Resources

Federal Resources	51 FTE
State Resources	<u>352 FTE</u>
TOTAL	403 FTE

5. Federal Role - The Region 5 Air and Radiation Division (ARD) commits to support the Bureau of Air in all efforts necessary to achieve the Agency's mission of Clean Air. A priority will be playing a leadership role in the identification and resolution of program issues at the national level which impact state implementation. Region 5 will work with Illinois to assess issues of concern and develop possible solutions. Region 5 will facilitate issue resolution through the HQ process to ensure answers are timely and responsive to state

concerns, while reflecting appropriate national consistency. Specifically with regard to SIPs, Region 5 will provide technical assistance, review, and testimony where requested, before and during state rulemaking. Completeness reviews will be completed within 60 days, but no later than 6 months from the date of submittal, and Region 5 will prepare Federal Register actions as expeditiously as possible, while striving to achieve statutory deadlines for rulemaking actions. Administratively, ARD will continue to provide IEPA timely information regarding available resources and competitive grants throughout the year and will work with the State to expeditiously apply for and receive appropriate awards.

ARD will work with IEPA to seek innovative ways to address broad regional priorities, including community based environmental protection, pollution prevention, and compliance assistance. Geographic initiatives are in place in the Greater Chicago and East St. Louis areas in Illinois, and efforts will continue to foster relationships with these local areas and address specific community concerns related to air pollution. Greater Chicago Team activities for FY03 which relate to air programs include the continued asthma outreach and education, especially networking with local organizations such as the Chicago Health Corps to develop more effective communication tools, and promoting assessment of transportation and sustainable development activities. ARD will also provide continued support to the Cumulative Risk Initiative (CRI), the result of the TSCA Petition submitted to Headquarters regarding cumulative risk issues and incinerators. The Region plans to finalize and release this study during FY03. Completion of the loading profile phase was completed in FY01, with data being made available to the State, local agencies and the communities and the industries indicated by the assessment as principle contributors of toxic emissions in the study area. We envision multiple opportunities to use this information to assess and target opportunities to reduce current emissions, as well as to apply information and analysis in the report to better understand and implement our MACT inventory, and monitoring activities. We expect to work with IEPA to brainstorm and prioritize such efforts. The Region has put in place a grant with the Delta Institute to identify facilities that may be emitting high hazard pollutants for pollution prevention and ISO 14000 activities. USEPA and the Delta Institute have selected these facilities based on input from the IEPA. Air-related priorities in the Gateway area include the creation of action plans to develop sustainable urban development and it's related benefits. This is accomplished by pulling together stakeholders including communities, businesses, and environmental groups to meet in workshops and discuss how to maximize economic and environmental benefits to their city.

Region 5 has been actively involved in the Clean Air Counts campaign in the Chicago area, with a diverse network of stakeholders to create new strategies for attaining Clean Air Act standards while achieving redevelopment goals. These strategies will influence municipal and private actions such as Brownfield redevelopment, investments in transit, greening, and other infrastructure, pollution prevention, and land use decisions. Region 5 continues to be involved in various workgroups that were formed to concentrate on pieces of the Campaign. These include clean air technology, aggregation, incentives and credits, development and energy. Out of these workgroups, we will identify activities to be implemented in both the short and long term that enable specific actions to occur that are necessary to combine cleaner air with redevelopment activities. Some of these activities for FY02 consisted of several lawn mower buy-back programs and gas can replacement programs. These actions

and activities may also qualify as reductions under the State Implementation Plan (SIP) or may improve the livability within a nonattainment area.

Regional activities in the State's broad program components include the following that ARD will undertake:

a. Ozone

- Provide technical assistance to Illinois in the implementation of the NOx SIP Call, particularly the federal NOx trading program.
- Provide Illinois with guidance on the status of the federal lawsuits regarding the 8-hour ozone standard and NOx SIP Call development.
- Provide Illinois with active support in bringing the Metro-East area into attainment.
- Provide technical assistance and advice in development of upcoming reasonable further progress plans for the 8-hour ozone standard.
- Provide technical assistance to Illinois in implementation of its Clean Fuel Fleet program.
- Take appropriate rulemaking action on Illinois' Phase II attainment demonstration plan for the 1-hour ozone standard and provide assistance in resolving any issues.
- Assist Illinois in the implementation of the new MOBILE6 mobile source emissions model and provide technical assistance to address any issues.
- Provide technical assistance in addressing issues and in resolving problems associated with demonstrating conformity of transportation and general programs, plans, and projects to the State Implementation Plan.
- Work with the State to continue implementing and improving upon existing Ozone Mapping System.

b. Title V

- Facilitate timely resolution of permit issuance rate impediments identified with State. Promote timely resolution of national issues, and common sense solutions for addressing newly identified concerns in a manner which promotes continued issuance of Title V permits.
- Work with State and HQ to streamline Title V where national opportunities exist and where state-specific efforts are feasible, including reviewing draft/proposed permits concurrently with public review.
- Provide technical assistance as requested by the State for issues such as applicability determinations.
- Review a broad range of draft permits consistent with the Permits Memorandum of Agreement and provide feedback at the staff level on permit content, organization, and structure during program start-up and on draft permits of concern where there is reason to believe that public scrutiny will be high, while minimizing review of those permits that include federally enforceable permit conditions to limit applicability of various regulatory thresholds, particularly where the State has issued similar permits previously.
- Provide all information relative to changes in Title V regulations and guidance in a timely manner.
- Provide general training opportunities as appropriate.

- Provide the State with specific concerns with regard to Title V approval, including enforcement and compliance provisions.
- Consult with the IEPA during the development of federal rules and policy to the extent feasible.
- On a quarterly basis, Region 5 will submit the following information to IEPA during Title V/NSR conference calls.
  - 1) Any sources with CAAPP applications pending for which significant public interest or a concern over environmental justice has been identified by USEPA;
  - 2) Any sources with CAAPP applications pending in which USEPA has any special interest, with explanation; and
  - 3) Any source with an issued CAAPP permit for which a petition for review by USEPA has been submitted, pursuant to Section 505(b)(2) of the Clean Air Act.

c. Air Toxics

- Provide assistance in implementing MACT. In particular, provide assistance in any applicability determinations and control requirements associated with those NESHAP impacted by Section (112(j), the "hammer" clause.
- Work with Delta Institute and CRI stakeholders on CRI Pollution Prevention/ISO 14000 project.
- Support Illinois' efforts to secure additional funding for air toxics monitoring.
- Assist Illinois in implementing their air toxics monitoring network and in conducting data analysis.
- Coordinate and advance the understanding of mercury impacts and seek reductions as appropriate.
- Coordinate efforts to develop state toxics inventories and assist in the QA.

d. Compliance Assistance and Enforcement

- Region 5 FY02 initiatives include coal fired utilities, refineries, MACT (degreasers, chrome platers, printing/publishing), HON sources, chemical sector sources, minimills, federal facilities, portland cement plants, ozone sources, a stack testing initiative in geographic priority area, and NSR/PSD/FESOP/Title V.

e. Base Programs and National/Regional Priorities

- Air Monitoring:
  - Conduct Quality Assurance (QA) system audits of the IEPA ambient air quality monitoring network and provide the service of QA performance audits when needed in coordination with IEPA.
  - Continue to provide assistance and technical support for the Photochemical Assessment Monitoring Stations (PAMS) in coordination with IEPA.
  - Work with the State to implement Lake Michigan PAMS data analysis plan.
  - Work with the State in reviewing and approving annual NAMS/SLAMS network plans.
  - Provide IEPA the resources needed to support the national trend site for PM2.5 speciation.
  - Provide Illinois training in quality assurance and data reporting for PM2.5.
  - Support Illinois' efforts to secure Section 103 funding for PM2.5 monitoring.

- Assist the state in obtaining additional funding for toxics monitoring.
- Assist the state in the implementation of the air toxics monitoring network and conduct data analysis.
- Permitting (other than Title V):
  - Facilitate timely resolution of permit problems, including resolution of national issues and common sense solutions for addressing identified concerns.
  - Provide technical assistance as requested by the State for issues such as applicability determinations.
  - Review draft permits consistent with the Memorandum of Agreement, including FESOP, netting, all PSD permits and permits of concern where there is reason to believe that public scrutiny will be high.
  - Provide all information relative to changes in construction permit program regulations and guidance in a timely manner.
- Small Business
  - Promote regional communication and information exchange through quarterly conference calls and an annual conference.
  - Address questions, complaints, and compliance efforts regarding the Stratospheric Ozone Protection programs throughout the State.
  - Work with the State to develop a mechanism to assess how well small business MACT outreach is furthering compliance goals.
  - Continue to host quarterly calls with state/local dry cleaner contacts.
  - Continue to provide ongoing technical assistance to state/local dry cleaner contacts. Region 5 will continue to provide a conduit for state/local dry cleaner contacts having issues to be addressed by USEPA headquarters and will continue to assure access for these contacts to federal documents, information and other resources that become available.
- Public Outreach and Education
  - Provide outreach information and educate stakeholders by providing materials, attending meetings, and making presentations on the NO<sub>x</sub> SIP Call as requested by the State or other stakeholders.
  - Continue to support the Ozone Action Days and Partners for Clean Air programs through mailings of materials and other outreach activities.
  - Continue to be a “Partner for Clean Air.”
  - Participate in community forums on urban sprawl and hold at least another community workshop in the East St. Louis area on urban sprawl.
  - Assist Illinois in educating affected stakeholders on the Clean Fuel Fleet program.
  - Pursue opportunities for public education and outreach using its Ozone Action Days brochures, particularly focusing on our geographic initiative minority communities, finding ways to effectively provide this information to parents of children that may be especially vulnerable.



- Expand and enhance ARD's Homepage to provide both general and State-specific information on environmental problems and conditions in a manner that is readily understandable.
  - Region 5 will continue to collaborate with IEPA and environmental providers in Illinois to build and expand state capacity in environmental education.
  - Continue outreach on asthma and its relationship to air pollution in the Greater Chicago area.
  - Provide outreach information and educate stakeholders by establishing meetings, seminars, and materials, particularly in the form of Q/A, regarding the National Air Toxics Assessment (NATA) and the CRI projects.
6. **Federal Oversight** - As part of the planned output for the air program, the IEPA will submit information to the USEPA's data system in addition to providing a variety of summary reports and analyses. The oversight arrangements listed here anticipate that USEPA will avail itself of such information as part of its oversight program. The remainder of this section discusses special arrangements, including on-site inspections for specific parts of the air program.
- a. **Ozone**
- **Vehicle Inspection and Testing** - The Illinois Auditor General's Office has completed a nearly seven month intensive audit of Illinois' Vehicle Inspection and Testing Program. Based on the report issued by the Auditor General, this program is functioning at a high level. Therefore, on-site audits or inspections of routine program are not recommended. IEPA will address all findings of the Auditor General.
- b. **Title V**
- **FESOPs** - Federally enforceable permit programs (e.g., NSR, PSD, FESOP, Title V) will receive review sufficient to ensure programmatic integrity. Draft permits will be made electronically accessible to USEPA with paper copies and supporting documents provided upon request. USEPA will minimize the review given to CAAPP permits that are substantially similar to previously-issued permits that have been reviewed.
  - Region 5 will work with IEPA to jointly develop a complete and accurate source inventory. USEPA continues to develop source listings under regulatory development (i.e., ICRs, SEPs, etc.). This information should be available to Illinois to enhance source inventory data.
- c. **Base Programs and National/State Priorities**
- **Air Monitoring** - USEPA will review results of National Performance System Audit program and perform limited on-site audits or inspections on a case-by-case basis pursuant to joint agreement on the needs specific to the State program. For source emissions monitoring, USEPA will participate in witnessing selected stack tests in conjunction with the State.

## **B. Clean Land Program**

### **1. Program Description**

The Bureau of Land implements the Clean Land Program. BOL's goals are to minimize generation of wastes, maximize proper management of waste generated, and maximize restoration of contaminated land. To achieve these goals BOL has divided its resources into six broad environmental focus areas and 17 BOL programs:

#### **Hazardous Waste Management**

- a. RCRA Subtitle C Program regulates the generation, transportation, treatment, storage, or disposal of hazardous wastes to ensure that hazardous wastes are managed in an environmentally sound matter.
- b. Underground Injection Control Program regulates the underground injection of liquid hazardous waste into deep wells to ensure that underground sources of drinking water are protected from contamination. (Note: This program also regulates the injection of liquid non-hazardous waste as a disposal method.)

#### **Nonhazardous Solid Waste Management**

- c. RCRA Subtitle D Program regulates municipal solid waste landfills. Although source reduction, reuse, recycling, and composting diverts a portion of the municipal solid waste from disposal, landfilling remains the most popular waste management practice.
- d. Household Hazardous Waste Collection Program diverts municipal waste containing hazardous materials (e.g., waste oils, petroleum distillate-based solvents, oil based liquid paints, pesticides) from landfills through one-day collection events and long-term collection facilities.
- e. High School Hazardous Waste Collection Program provides school districts with hazardous educational waste collections associated with one-day household hazardous waste collection events.
- f. Partners for Waste Paint Solutions Program offers consumers the opportunity to return paint products to paint retailers, local units of government, recycling centers, and material recovery facilities participating in the program.
- g. Used Tires Program ensures that used tires are managed properly and are recycled or converted to tire-derived fuel (TDF) for energy recovery or other beneficial use and that improperly stored/disposed used and waste tires are removed for proper disposition.

- h. Industrial Materials Exchange Service provides an information exchange for hazardous and nonhazardous waste by-products, off-spec items, and overstocked or damaged materials with a potential for industrial reuse.
- i. Underground Injection Control Program regulates non-hazardous industrial waste injection wells, septic systems, storm water drainage wells, and other wells that inject fluids below the land surface. (Note: This program also regulates the underground injection of liquid hazardous waste into deep wells.)

The IEPA and USEPA Region 5 have agreed to a regulatory innovation project for Class V wells subject to the new Underground Injection Control rules. The project will allow the IEPA to use limited resources in the most productive manner and identifies the responsibilities for addressing wells subject to the new regulations. The regulatory innovation project does not fully address the UIC Program funding issues.

### **Federal Cleanups**

- j. National Priorities List Program investigates and cleans up Superfund<sup>4</sup> sites (i.e., the most serious hazardous waste sites in Illinois, as well as the nation).
- k. Federal Facility Program provides assistance to federal agencies responsible for conducting cleanups and provides assurance to local communities that federal facility sites have been cleaned up satisfactorily.
- l. Site Assessment Program collects and evaluates environmental information on uncontrolled hazardous waste sites which pose an unacceptable risk to human health and the environment. The information is gathered to screen sites for no further action determinations, to advance sites in the Superfund investigation process (see item "o." below), or for Brownfields redevelopment.

### **State Cleanups**

- m. Response Action Program administers cleanup at those sites where State or responsible party resources are necessary to clean up hazardous substances.
- n. Site Remediation Program provides participants (remediation applicants) with the opportunity to voluntarily clean up contaminated sites with IEPA oversight.

### **Leaking Underground Storage Tank Cleanups**

- o. Leaking Underground Storage Tank Program directs the cleanup of properties where petroleum or hazardous substances have leaked from state and federally regulated

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<sup>4</sup> Superfund generally refers to the USEPA program operated under the authority of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and Superfund Amendments, Reauthorization Act of 1986 (SARA), and National Oil and Hazardous Substances Pollution Contingency Plan of 1990 (NCP).

underground storage tanks and the Illinois Emergency Management Agency has been notified. BOL also administers the Underground Storage Tank (UST) Fund to help tank owners and operators pay for these cleanups. A portion of LUST program staffing is paid from the federal LUST Trust Fund.

#### **Other Environmental Areas**

- p. *Office of Brownfields Assistance* promotes the cleanup and redevelopment of abandoned or underutilized commercial and industrial properties.

#### **2. Program Linkage to Environmental Goals/Objectives**

BOL utilized the SMART framework to illustrate the multi-level relationship between program and environmental objectives, and Bureau-specific goals.

# ENVIRONMENTAL GOAL

## Safe Waste Management and Restored Land

<u>Environmental Objectives</u>	<u>Environmental Indicators</u>
1. By 2005, reduce or control risk to human health and the environment at 90,000 acres with contaminated soil, contaminated groundwater, or unmanaged waste.	[CORE] Acres of land where human health risk is reduced or controlled
2. By 2005, no significant releases from waste management facilities that harm off-site groundwater, human health, or the environment.	Percentage of facilities in detection monitoring
3. By 2005, reduce the waste disposed in Illinois from in-state sources to 34 million cubic yards per year.	Cubic yards of waste disposed in Illinois from in-state sources
<u>Program Objectives</u>	<u>Program Outcomes</u>
1. By 2005, reduce the annual amount of hazardous waste managed at commercial treatment/disposal facilities by 10%.	<ul style="list-style-type: none"> <li>Tons of hazardous waste managed at commercial treatment/disposal facilities annually</li> </ul>
2. By 2005, 25% of the municipal waste stream generated in Illinois will be recycled.	<ul style="list-style-type: none"> <li>Tons of municipal waste recycled</li> <li>Amount of municipal waste diverted from solid waste disposal facilities through IEPA-sponsored collection events and alternative management methods</li> </ul>
3. By 2005, 60% of operating waste management sites with groundwater monitoring systems will be in detection monitoring.	<ul style="list-style-type: none"> <li>Percentage of hazardous waste management facilities conducting detection</li> </ul>
4. By 2005, 95% of waste management sites with groundwater monitoring systems have no significant releases that harm off-site groundwater, human health, or the environment.	<ul style="list-style-type: none"> <li>Percentage of hazardous waste management facilities conducting assessment/compliance monitoring</li> </ul>

<u>Program Objectives</u>	<u>Program Outcomes</u>
<p>5. (Draft) - By 2005, 90% of RCRA-regulated and inspected sites will be in full compliance within 90 days of the inspection date.</p>	<ul style="list-style-type: none"> <li>• [CORE] Significant Non-Compliers (SNC) rate within compliance monitoring program</li> <li>• [CORE] Average number of days for SNC to return to compliance or to enter enforceable compliance plans or agreements</li> <li>• [CORE] Percent of SNC at which new or recurrent violations are discovered (by reinspection or compliance order monitoring) within two years of receiving a final order in an enforcement action</li> <li>• [CORE] Percent of hazardous waste managed at Treatment, Storage, and Disposal facilities with approved controls in place</li> <li>• [CORE] Description of environmental benefits that are achieved due to resolution of enforcement cases that involve P2, SEPs, etc., when information is readily available</li> <li>• Success rate of Compliance Assistance Program (% of generators in compliance at the beginning of compliance assistance surveys; % of generators in compliance at the end of compliance assistance surveys; and % of generators in compliance within 90 days after compliance assistance surveys)</li> </ul>
<p>6. By 2005, ensure proper closure and post-closure of all inactive landfills.</p>	<ul style="list-style-type: none"> <li>• Number of inactive nonhazardous landfills closed</li> <li>• Percentage of GPRA Baseline Post-Closure Universe landfills facilities brought under control</li> <li>• Number of closure plans approved</li> </ul>
<p>7. By 2005, clean up 16,424 sites (about 93,475 acres):</p> <ul style="list-style-type: none"> <li>• 14,900 state and federally regulated Leaking Underground Storage Tank (LUST) sites (26,075 acres)</li> <li>• 1,453 voluntary cleanup sites (9,600 acres)</li> <li>• 27 identified abandoned landfills (1,800 acres)</li> <li>• 37 National Priorities List sites (6,000 acres)</li> <li>• 7 Federal facility sites (49,000 acres)</li> </ul>	<ul style="list-style-type: none"> <li>• Acres remediated annually at LUST sites based on the issuance of No Further Remediation (NFR) Letters</li> <li>• Acres remediated annually at site remediation programs based on the issuance of NFR Letters and 4(y) Letters</li> <li>• Acres remediated annually at abandoned landfills through the State Response Program based on constructions completed</li> <li>• Acres remediated annually at National Priorities List sites based on constructions completed</li> <li>• Acres remediated annually at Federal facilities based on the issuance of NFR letters 4(y) letters and Findings of Suitability for Transfer</li> </ul>

### 3. **Performance Strategies**

Performance strategies are plans to optimally employ resources and effectively direct BOL's efforts to achieve the three environmental objectives identified above. BOL's strategies for FY2003 are: (1) reduce the quantity and hazardous nature of waste generated (particularly those wastes containing Waste Minimization Priority (WMP) constituents); (2) increase recycling and reuse; (3) manage pollution and waste; (4) clean up releases of wastes and hazardous substances; and (5) provide incentives for cleanup and redevelopment of underutilized industrial and commercial properties. Each of these strategies affects at least one of the six environmental focus areas. The effectiveness of BOL in implementing the strategies will be measured through the accomplishment of the program objectives (listed above) by the different BOL programs. Below is a description of program activities for the six environmental focus areas for FY2003.

#### **Hazardous Waste Management**

- a. *Help companies identify and apply cleaner technologies and practices.* BOL and the IEPA's Office of Pollution Prevention (OPP) assist generators in identifying in-plant practices that may reduce the volume and toxicity of wastes (particularly those containing WMP constituents). BOL prepares Pollution Prevention Feedback Summary forms summarizing pollution prevention topics discussed with the generators. Completed forms are submitted to the IEPA's Office of Pollution Prevention for follow-up assistance.

For FY2003, BOL will support pollution prevention activities through continuing education of their staff, conducting joint inspections (with OPP) at RCRA generators, and by promoting pollution prevention opportunities during surveys/inspections.

- b. *Integrate pollution prevention into BOL's compliance and enforcement programs.* For FY2003, enforcement cases will be evaluated to incorporate supplemental environment projects<sup>5</sup> that include pollution prevention measures (particularly in the area of WMPs).
- c. *Permit facilities that treat, store, and dispose of hazardous waste.* USEPA and BOL require owners and operators of hazardous waste management facilities to obtain and comply with permits prescribing technical standards for design, safe operation, and closure of their facilities. BOL has adopted the following permitting action plans in cooperation with USEPA:
  - BOL will ensure the safety and reliability of hazardous waste combustion by implementing the *Combustion Initiative's* permitting strategy: (1) establish higher priority for combustion facilities resulting in the greatest environmental

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<sup>5</sup> Supplemental environmental project is an environmentally beneficial project that a violator agrees to undertaken in settlement of an enforcement action, but which the violator is not otherwise legally required to perform.

benefit or the greatest reduction in overall risk to the public; (2) ensure employment of sound science in technical decision-making; and (3) include public involvement in permitting decisions. For FY2003, BOL and USEPA will develop a draft permit for Trade Waste Incineration, Inc. (Sauget, Illinois).<sup>6</sup> Other activities planned are the completion of closure for the incinerators at Olin in East Alton and review of renewal permit applications for Eastman Chemical (Carpentersville, Illinois) and review the trial burn results for Akzo Chemical (Morris, Illinois).

d. *Ensure compliance by inspecting and monitoring individuals and waste management facilities that generate, transport, treat, store or dispose of hazardous waste and take enforcement measures when necessary.* To implement this strategy, BOL has adopted the following activities:

- Compliance Assistance Program - BOL will promote environmental compliance via compliance assistance surveys targeted at small businesses regardless of the volume of waste generated. The purpose of the survey is (a) to educate business owners and operators of their regulatory obligations under RCRA; (b) to achieve compliance through assistance rather than enforcement; and (c) to identify pollution prevention opportunities (particularly in the area of WMP). BOL will notify a business of deficiencies in writing within 45 days of the survey<sup>7</sup>. A Compliance Evaluation Inspection will be conducted and appropriate enforcement actions will be taken if the business fails to correct all identified deficiencies within 90 days of the initial survey.

For FY2003, BOL will conduct 200 compliance assistance surveys. All compliance-related data generated at businesses<sup>8</sup> with Federal identification numbers will be entered into *RCRAInfo*. BOL will include the results of all compliance assistance surveys conducted in the FY2003 Annual Performance Report. BOL will reflect the effectiveness of the Compliance Assistance Program through the calculation of the Compliance Assistance success rate. The Illinois EPA will continue to participate in the annual RCRA Roundtable.

- Compliance Evaluation Inspections - BOL will conduct inspections to verify compliance status with RCRA requirements. BOL pursues compliance through the use of inspections, Violation Notices/ Non-compliance Advisories, and enforcement actions, where appropriate.

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<sup>6</sup>Illinois' only commercial hazardous waste incinerator.

<sup>7</sup> If a substantial and imminent danger is identified during a survey, BOL will cancel the survey and immediately initiate a Compliance Evaluation Inspection.

<sup>8</sup>Percent of generators in compliance through the conduction of the compliance assistance survey; Percent of generators in compliance at the conclusion of the compliance assistance survey; and Percent of generators in compliance within 90 days after completion of compliance assistance survey.



BOL has identified eighty-three (83) active TSDs in Illinois. For FY03, BOL has committed to conducting 64 inspections at these facilities. An inspection is a: CEI, CSE, CME, OAM, CVI, or an FRR. Since Section 3007 requires TSDs to be thoroughly inspected no less often than every two years, a full CEI at 42 of these active TSDs will be done to satisfy the requirement. BOL will inspect 100 generators regulated under RCRA. There are several criteria for selecting those 100 generators for inspection. Generators targeted for inspection may possess any combination of the following criteria:

- (a) Filed a 2000 Hazardous Waste Annual Report indicating they are an active large-quantity generator (LQG) of hazardous waste;
- (b) Produce hazardous waste containing Waste Minimization Priority (WMP) constituents;
- (c) Have a history of non-compliance;
- (d) Have an active enforcement order issued against them;
- (e) Are identified in RCRAInfo as a G1 and notified after January 1, 1990;
- (f) Filed a Hazardous Waste Annual Report (as an LQG) in the past but no longer file reports;
- (g) New generators;
- (h) Small-quantity generators outside of the Des Plaines Region;
- (i) Generators of naphthalene and lead wastes;
- (j) Brass and bronze foundries.

In some BOL regions, the LQG universe has been inspected in the past 2-3 years. In those instances, BOL will focus on other categories of RCRA generators that meet one or more of the criteria identified above. BOL anticipates that these inspection activities may identify some LQGs that are currently non-filers.

During FY2003, BOL FOS will target hazardous waste generators of naphthalene or naphthalene and lead waste as part of the national and regional Waste Minimization Priority initiative. FOS will use Annual Hazardous Waste Report data (among other sources) to determine and identify those generators for inspection during FY2003.

FOS will also target brass and bronze foundries for CEIs (including sampling) as part of the permit evader initiative. The approximately fifty foundries identified in Illinois will be inspected over the next two fiscal years. FOS will reduce the number of generator inspections proportionately to account for this additional inspection activity. EPA is committed to inspecting 25 of these foundries this year. We will also conduct CAS's at a select number of generators who participated in EPA's Clean Breaks program of a few years ago.

All violations discovered by BOL will be addressed in accordance with the USEPA's *Hazardous Waste Civil Enforcement Response Policy* (dated March 15, 1996; effective April 15, 1996).

BOL will also conduct "other" inspections as required including sampling inspections, citizen complaint investigations, follow-up inspections, case development inspections, non-financial record reviews, etc. In addition, BOL will conduct observation/training inspections with new Region 5 inspectors for the purpose of providing training and education.

- BOL's field staff will continue its participation in Illinois' aggressive criminal/enforcement program by providing technical assistance in gathering media samples and other environmental data/evidence for case development by law enforcement agencies.

BOL is a member of the Illinois Environmental Crimes Investigators Network, a partnership between the Illinois Attorney General, IEPA, Illinois State Police, Illinois Department of Natural Resources, the Illinois State's Attorney's Association, and local law enforcement. For FY2003, BOL will continue to be an active member of the Network through its civil and criminal environmental investigations, response to Network Environmental Crime Hotline referrals from the Illinois Attorney General's Office, and contribution to the Network newsletter.

BOL also represents the IEPA as a member of the Midwest Environmental Enforcement Association (MEEA), an alliance of regulatory, law enforcement, and prosecutorial agencies from Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Ontario, and Wisconsin. MEEA provides local, state, and Federal enforcement agencies with training and professional networking opportunities for the exchange of enforcement-related information. For FY2003, David Jansen (BOL Springfield Regional Manager) is the MEEA chairman and the Illinois Executive Committee member.

- BOL will verify the safety and reliability of hazardous waste combustion in conjunction with the *Combustion Initiative*. For FY2003, BOL and its contractor will monitor Onyx Environmental Services (Sauget, Illinois) by emissions testing activities. In addition, BOL will conduct two Compliance Evaluation Inspections at this facility.

e. *Review and approve closure plans for units where waste management facilities once stored, treated or disposed of hazardous waste.* Many facilities which previously stored, treated or disposed of hazardous waste have elected not to obtain a RCRA permit for these activities. These facilities must complete closure of all the units where they conducted hazardous waste management activities. Closure must be carried out in accordance with plans approved by BOL.

- BOL will ensure that 90% (or 50 of 56) of the Government Performance & Results Act Baseline Post-Closure Universe<sup>9</sup> will have "approved controls in

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<sup>9</sup>Government Performance & Results Act Baseline Post-Closure Universe are those facilities undergoing closure of all of its hazardous waste management land-based units (e.g., landfills, waste piles, surface impoundments) as of October 1, 1997.

place” by FY2005. Approved controls in place mean: (a) a post-closure permit has been issued for the unit, or an existing permit at the facility has been modified so that the unit in question is subject to the post-closure permitting standards; (b) the unit has achieved clean closure, as verified by BOL; (c) the unit has properly closed with waste in place, as verified by BOL, and a post-closure plan, or similar enforceable document (such as a consent order), covers appropriate post-closure obligations including 40 CFR Part 264 Subparts F and G groundwater monitoring and cap maintenance requirements; (d) the unit is situated among solid waste management units, and closure and post-closure obligations at the unit are covered by a corrective action order or a similar enforceable document (including 40 CFR Part 264 Subparts F and G groundwater monitoring and cap maintenance requirements as applicable); (e) the unit has been accepted by one of the State or Federal cleanup programs for remediation; or (f) the application of other controls approved by BOL (as determined on a case-by-case basis).

At the end of FY2002, 86% (or 48 of 56) of the Government Performance & Results Act Baseline Post-Closure Universe had approved controls in place.

For FY2003, BOL will issue one additional post-closure permit, increasing the percentage of facilities on the Government Performance & Results Act Baseline Post-Closure Universe with controls in place to 88%.

- f. *Require investigation and cleanup of releases at hazardous waste management facilities.* The investigation and cleanup of hazardous substances at RCRA facilities is called corrective action. Facilities generally are brought into the RCRA corrective action process when there is an identified release of hazardous waste or hazardous constituents, or when BOL and USEPA are considering a facility’s RCRA permit application. The elements of corrective action are an initial site assessment, an extensive characterization of the contamination, and an evaluation and implementation of cleanup alternatives, both immediate (e.g., drum removals) and long-term (e.g., groundwater pump and treat). BOL has authority to direct corrective action at facilities permitted after April 1990, while USEPA is responsible for directing corrective action at all other permitted facilities. Corrective action at closed facilities or those undergoing closure of all regulated units can only be directed by USEPA. BOL will initiate the following action plans in FY2003:
- BOL will ensure that human exposure will be controlled at 26 of the 29 (or 90%) Cleanup Baseline Universe<sup>10</sup> facilities and groundwater releases will be controlled at 20 of the 29 (or 70%) Cleanup Baseline Universe facilities by FY2005. Human exposures have been controlled at 20 facilities, while groundwater releases have been controlled at 22 facilities. During FY2003, BOL will ensure that (1) human

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<sup>10</sup>USEPA developed the RCRA Cleanup Baseline Universe list in conjunction with the states as a result of a mandate in the Government Performance & Results Act requiring USEPA to measure and track the program progress. There is a total of 1,712 facilities on the RCRA Cleanup baseline. There are 56 Cleanup Baseline Universe facilities in Illinois.

exposures are adequately controlled at three more Baseline facilities; and (2) groundwater releases are adequately controlled at three more Baseline facilities.

- BOL is currently responsible for directing corrective action at 44 RCRA permitted facilities, 4 of which are currently bankrupt. BY FFY2005, BOL will ensure that corrective measures have at least begun at all of the 40 currently permitted facilities, which are still active. Presently, corrective measures have been completed at 18 permitted facilities, while some type of corrective action has been initiated at 18 other facilities.
- BOL will seek the FY2003 supplemental funds for RCRA corrective action environmental indicator determinations at GPRA baseline facilities.

As they are submitted, BOL will review (a) new RCRA permit applications for interim-status or new facilities; and (b) Part B RCRA permit renewal applications. This will increase the universe of facilities for which IEPA has corrective action authority.

- g. *Submit Authorization Revision Application (ARA) in accordance with federal schedules.* Since January 31, 1986, IEPA has been authorized by USEPA to implement the RCRA hazardous waste program in Illinois. BOL has been granted authority to implement additional parts of the RCRA Program that USEPA has since promulgated (e.g., Corrective Action, Land Disposal Restrictions, etc.). Final action on ARA applications are being held up due to several statutory issues identified by USEPA's Office of Enforcement and Compliance Assurance. USEPA and the State of Illinois are currently working together to address these issues and possible statutory revisions.
- h. *Participate in Geographic Initiatives.* A geographic initiative represents an area deemed by USEPA to have sensitive environmental problems requiring extra attention. In addition, several of the geographic initiatives may include areas with environmental justice<sup>11</sup> concerns.

Great Lakes Basin Initiative covers counties in all six Region 5 states (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin). In Illinois, the eastern most sections of Cook County and Lake County are within this geographic area. This Initiative brings together Federal, state, tribal, local, and industry partners in an integrated approach to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes.

- i. The Agency is seeking the full amount of the Clean Sweeps (PBT) supplemental funding for FY 2003, if available.

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<sup>11</sup>Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no groups of people, including racial, ethnic, or socioeconomic groups, should bear a disproportional share of negative environmental impacts.

- j. BOL is participating on the WIN/INFORMED handler monitoring and Assistance (HMA) Program Area Analysis (PPA) team that is analyzing the current and future RCRA information needs and will recommend modifications to the existing Compliance Monitoring and Enforcement (CM&E) module of RCRAInfo. This effort will result in the streamlining of the CM&E module of RCRAInfo to maintain and present compliance and enforcement related data in a more meaningful, efficient, and proper manner for all users.

## Nonhazardous Solid Waste Management

- k. *Enhance recycling and reuse opportunities.* BOL encourages environmentally sound solid waste management practices that foster recycling and that maximize the reuse of recoverable material. BOL administers the following solid waste management programs and services that reuse or reclaim materials from the municipal waste stream:

Program/Service	Waste Types	Recovery Method
Household Hazardous Waste Collection	Paints, flammable solvents, oils, aerosols, household batteries	Fuel blended, recycled
Partners for Waste Paint Solutions	Paints	Fuel blended, recycled
Used/Waste Tires	Whole or shredded tires	Supplemental fuel for power plants and industrial facilities, stamped rubber parts, playground cover, flooring in horse arenas, crumb rubber for various applications. Use in civil engineered applications and other beneficial uses
Industrial Materials Exchange Service	Acids, alkalis, other organic chemicals, solvents, oils and waxes, plastics and rubber, textile and leather, wood and paper, metals and metal sludges, etc.	Industrial reuse

BOL also permits facilities that recycle and reuse waste materials as a part of their operations, such as landscape waste composting facilities, transfer stations, material recovery facilities, and storage/treatment facilities.

- l. *Foster waste disposal habits that promote a cleaner and safer environment.* Illinois has implemented landfill bans<sup>12</sup> and a variety of environmental programs that promote safe waste management through the segregation of municipal waste streams. BOL administers three environmental collection programs that aggregate waste containing hazardous constituents (a) Household Hazardous Waste Collection

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<sup>12</sup>In Illinois, the following municipal waste materials are banned from landfill disposal due to their volume and/or toxicity: (a) used and waste tires; (b) landscape waste; (c) white goods (i.e., domestic and commercial large appliances) that have not had their hazardous components removed; (d) lead-acid batteries; and (e) liquid used oil.

Program; (b) High School Hazardous Waste Collection Program; and (c) Partners for Waste Paint Solutions. These collections provide an opportunity for the wastes to be either reused or safely disposed in facilities designed to treat or dispose of hazardous waste. These programs also include public education elements that identify (a) household wastes containing chemicals that make their disposal in municipal waste landfills or incinerators undesirable; (b) safe use and storage procedures for household hazardous materials; and (c) consumer practices to reduce the amount and toxicity of household products discarded.

BOL also administers an industrial materials exchange service that helps divert materials from the industrial waste stream to businesses that can reuse the materials.

For SFY2003, BOL will conduct at least 25 household hazardous waste collections. These one-day collection events will help divert municipal waste containing persistent, bioaccumulative, and toxic constituents (e.g., mercury-containing lamps) from solid waste landfills.

- m. *Ensure that used and waste tire handlers operate in compliance with state standards and remove used and waste tires that have been improperly disposed.* The Illinois EPA focuses on used tires as a recyclable material separate from a solid waste. Used tires that are improperly managed pose significant environmental risk as prime breeding habitat for disease-carrying mosquito species and as a fire hazard. In fact, waste tires (improperly discarded/managed used tires) represent the most significant form of mosquito breeding habitat among artificial containers. Unfortunately, over the years, many large accumulations of waste tires have been abandoned around the state. The Illinois EPA has removed (or is in the process of removing) the known universe of waste tire dumps through statutory notices and formal enforcement actions to force the property owner and/or waste tire accumulation operator to remove the dump. BOL pursues cost recovery and punitive damages after the removals are conducted. Using our allocation from the Used Tire Management Fund, the Illinois EPA has removed more than ten million used and waste tires from the environment over the past ten years. This is accomplished by conducting approximately 80 waste tire cleanup activities resulting in the removal of more than 600,000 PTE (passenger tire equivalents) annually. These used and waste tires are sent to the fuel, recycling, and engineered application markets. In addition, known waste tire dumps are treated to prevent mosquito proliferation until the removal is conducted.

To prevent the formation of future waste tire dumps, the State of Illinois statutes and regulations require used tire handlers to meet management standards designed to minimize the hazards posed by used tires. To this end, the Illinois EPA conducts more than 1000 inspections and complaint investigations annually at used and waste tire sites. These activities include inspections at more than 600 tire retailers, all tire storage sites (approximately 200), and more than 30 registered transporters annually.

In an effort to reduce the State of Illinois' reliance on tire-derived fuel (TDF) as a means of disposing of the more than 12 million used tires generated annually

throughout the state and to diversify our markets for used and waste tires, the Illinois EPA's Bureau of Land has begun to use shredded used and waste tires in various applications at abandoned landfill remediation projects under the 33 Landfill Program. Over the past two years, nearly 20,000 tons of shredded used and waste tires have been used as a drainage layer under the cap of two landfills and as a gas migration layer under the cap of a third landfill. These applications are accompanied by engineering studies to evaluate the effectiveness of such applications for future consideration.

- n. The IEPA and USEPA Region 5 have agreed to a regulatory innovation project for Class V wells subject to the new Underground Injection Control rules. The project will allow the IEPA to use limited resources in the most productive manner and identifies the responsibilities for addressing wells subject to the new regulations. The regulatory innovation project does not fully address the UIC Program funding issues.
- o. *Ensure proper closure and post-closure care of all old landfills by 2005.* BOL has identified 54 inactive landfills potentially subject to 1985 closure requirements,<sup>13</sup> but where the regulatory status is uncertain. Some of these landfills may be determined closed and covered subject to older regulatory standards and so may not be required to complete further closure or post-closure care. In FY2002 and 2003, the BOL will evaluate the regulatory status of these 54 landfills to determine whether or not each is required to complete closure and conduct a program of post-closure care. Each landfill owner or operator will receive a written determination from the BOL identifying all obligations to close, maintain and monitor the facility. The BOL field staff will inspect each facility to ensure compliance and initiate vigorous enforcement, if necessary.

Ensure that Solid Waste Management (Subtitle D) facilities operate in compliance with state standards. The BOL Field Operations Section will inspect all permitted landfills, permitted compost facilities and permitted transfer stations on a regular basis. These facilities are inspected quarterly (at a minimum) with the exception of permitted compost facilities, which are inspected twice per year at minimum.

The BOL Field Operations Section has inspected the 54 inactive landfills where the regulatory status was uncertain. Some of these landfills have been closed subject to older regulatory standards, while others must complete further closure or post-closure care. The BOL Field Operations Section initiated a regiment of vigorous enforcement against each landfill owner or operator that was out of compliance. The BOL Field Operations Section will remain diligent in this matter and continue in its effort to return all of these sites to compliance.

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<sup>13</sup>Illinois regulations adopted in 1990 (35 IAC 814.501) required all municipal solid waste landfills which were unable to demonstrate regulatory compliance at the time or which subsequently initiated closure prior to September 18, 1992 to complete all closure requirements in accordance with regulatory standards adopted in 1985 (35 IAC 807).

For FY2003, the BOL Field Operations Section will initiate inspections of all unpermitted construction and demolition transfer facilities statewide.

- p. *Evaluate the compliance status of all operating RCRA Subtitle D landfills required to monitor groundwater quality pursuant to State and Federal law by 2005.* Illinois solid waste landfill regulations<sup>14</sup> require RCRA-regulated facilities that routinely monitor groundwater quality as a permit condition to report all detections of certain contaminants. In FY2003, BOL will continue to identify and evaluate the status of each operating RCRA Subtitle D landfill required to monitor groundwater quality to determine its regulatory status according to the following categories:

Detection monitoring: These facilities are performing groundwater monitoring but have not detected concentrations of regulated contaminants.

Assessment monitoring: These facilities have detected contaminants and are evaluating the source of the exceedance.

Corrective action: These facilities are taking corrective measures to control the source of exceedances and/or actively mitigating groundwater contamination.

## **Federal Cleanups**

- q. *Address immediate dangers first, and then move through the progressive steps necessary to evaluate whether a site remains a serious threat to public health or the environment.* Superfund provides resources for removal and remedial actions at uncontrolled or abandoned hazardous waste sites. Various parties, including citizens, State agencies, and USEPA, discover such sites. Once discovered, sites are entered into USEPA's computerized inventory of potential hazardous substance release sites (i.e., Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)). BOL then evaluates the potential for a release of hazardous substances from the site by investigating site conditions. The data collected is used in an assessment and scoring system called the Hazard Ranking System to evaluate the dangers posed by the site. Sites that score above 28.5 on this System are eligible for listing on the National Priorities List (NPL).

BOL's site assessment priorities are to (a) identify potential hazardous waste sites; (b) identify need for emergency action; (c) evaluate the backlog of sites on EPA's computerized inventory of potential hazardous substance release sites; and (d) propose listing of appropriate sites on the NPL.

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<sup>14</sup>35 Ill. Adm. Code 811-814



For FY2003 BOL will address these priorities through the following activities:

Activity	Planned for FY2003
Pre-CERCLIS Screening Action	11
Immediate Removal Coordination	12
Integrated Site Assessment	5
Expanded Site Inspection	8
Hazardous Ranking System	1
Preliminary Assessment	11
<b>TOTAL</b>	<b>48</b>

- r. *By 2005, complete construction on 85% (or 37) of the 44 Superfund sites.* Superfund sites are CERCLIS sites addressed through Federal cleanup laws (i.e., CERCLA, SARA, or NCP). The most serious Superfund sites are listed on the NPL. Since each Superfund site presents unique challenges, BOL employs a systematic approach to develop a cost-effective cleanup acceptable to the State and local community. This approach is composed of a five-phase remedial response process<sup>15</sup> consisting of: (a) investigation of the extent of site contamination (remedial investigation); (b) study of the range of possible cleanup remedies (feasibility study); (c) selection of the remedy (Record of Decision (ROD)); (d) design of the remedy (remedial design); and (e) implementation of the remedy (construction completion). In Illinois, there are 44 NPL (Superfund) sites.

The benchmark set for 2002 to 2003 is to issue two ROD's and complete construction at two Superfund sites:

Records of Decisions Planned for FY2003	
Site Name (City or County)	IEPA Inventory Identification Number
Beloit Corp. (Rockton)	2010355004
DePue/NJ Zinc/Mobil Chemical (DePue)	0110300003

Superfund Construction Completions Planned for 2002 – 2003		
Site Name (City or County)	Acres	IEPA Inventory Identification Number
Interstate Pollution Control		2010300018
Byron Salvage Yard		1418200003

<sup>15</sup>Sections 300.430 - 300.435 of the NCP

- s. *By 2005, determine and conduct necessary remedial actions at seven Federal facilities and complete the transfer of property at six of these federal facilities.* Federal facilities are properties where the Federal government conducted a variety of industrial activities. Due to the nature of such activities, Federal installations may be contaminated with hazardous waste, unexploded ordnance, radioactive waste, fuels, and a variety of other toxic contaminants.

Under Federal law,<sup>16</sup> Federal facilities must be investigated and cleaned up to the same standards as private facilities. Due to their size and complexity, compliance with environmental laws and regulations may present unique management issues for these facilities. IEPA, USEPA, U.S. Department of Defense, and U.S. Department of Interior are conducting cleanup activities at 45 Federal facilities.

Base Realignment And Closure (BRAC) sites remain the focus of BOL, USEPA, the U.S. Department of Defense, and other federal agencies because these sites are scheduled for closure and their reuse offers an opportunity for economic recovery of communities associated with those bases. Upon successful completion of the cleanup, a Finding of Suitability for Transfer (FOST) is issued by the Department of Defense and other federal agencies, with concurrence of USEPA and IEPA. The FOST validates that site closeout requirements have been met and identifies any institutional controls (i.e., restrictions on land use).

For FY2003, BOL will assist in the development of a FOST to enable the transfer of 44 acres of the G-Area warehouses at Savanna Army Depot.

In addition to BRAC sites, BOL conducts environmental restoration activities at sites formerly used, leased, or otherwise operated by the U.S. Department of Defense or any of its components. These sites (commonly referred to as FUDs) were closed and the property transferred to private, Federal, state or local government ownership (i.e., the U.S. Department of Defense no longer controls). BOL has identified 36 FUDs to date requiring further response actions.

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<sup>16</sup> Section 120 of the Comprehensive Environmental Response compensation and Liability Act of 1980, as amended, and Executive Order 12580

Site Name (Total Acres)	IEPA Inventory Identification Number	Acres Evaluated with No Further Action (NFA)	Acres Remaining to be Evaluated or Remediated	Acres Realigned (Unit of the Federal Government Retaining Control)	Acres Transferred (Public or Private Entities accepting control and ownership of the property)	Acres Remaining to be Transferred by 2005
Naval Air Station Glenview (1,120)	0311025007	800+/-	0	93 (now considered part of Great Lakes Naval Training Center)	1,023 to Village of Glenview (8.6)	0 <sup>17</sup>
Libertyville Training Site (164)	0978110003	149	5	0	159 to City of Vernon Hills	5
Fort Sheridan (172)	0970555001	312	400	400 (U.S. Army Reserve and U.S. Navy (Department)	312 (Lake County Forest Preserve District; City of Highwood; City of Highland Park/(0)	0 - completed 2001
O'Hare Air Reserve Station (352) and Fort Dearborn (16)	0316760003 0312765079	321.58 16	30.42 0.395	0 0	12 to City of Chicago/(0)	340 16
Chanute Air Force Base (2,125)	0198170001	705 <sup>18</sup>	1,420	0	705 (Village of Rantoul)	1,420 <sup>19</sup>
Savanna Army Depot Activity (13,062)	0158100002	44	13,018	0 (anticipate US Fish & Wildlife Service to receive 9,000 +/- acres)	0/(44 to JoCarroll Depot Redevelopment Authority; (anticipated by end of FFY02)	8,958
Joliet Army Ammunition Plant (23,542)	1970450027	18,555 <sup>20</sup>	4,663 <sup>21</sup> (4,025 of USDA lands; 638 JADA lands)	16,062 (15,080 to USDA; 982 to VA)	2,817-455 to Will County; 2,362 to JADA/(106)	4,663 (4,025 of USDA lands; 638 of JADA lands)
Crab Orchard National Wildlife Refuge (43,500)	1998620014	7,314 <sup>21</sup>	18,806 <sup>22</sup>	0 (Congress transferred all of this property to DOI in 1947)	0/(0)	18,806

<sup>17</sup> The IEPA approved the final Record of Decision for Naval Air Station Glenview in June 2002.

<sup>18</sup> The U.S. Air Force previously transferred these 705 acres. All of these properties are located in Operable Unit 1. The Environmental Baseline Survey did not capture all the areas of concern in OU 1. As a result the Air Force will include some transferred properties in the upcoming Remedial Investigations.

<sup>19</sup> While 1,420 acres remain to be transferred, this will not occur until after 2005. The primary reason is the slow progress of the Remedial Investigation. The Air Force is forecasting completion of remedial action in 2008. This schedule revision occurred during FFY 2002.

<sup>20</sup> JAAP acreages were not entirely accurate in the FY 2002 Performance Partnership Agreement (December 2001). The actual sum of NFA acres (18,555) and acres remaining to be evaluated or remediated (4,663) did not comprise the total acres at the site because these categories did not account for acres remediated and transferred (324 acres via T2 and T3 FOSTs).

<sup>21</sup> The acreage reported in the FY 2002 Performance Partnership Agreement (7,412) included acres from sites other than Crab Orchard Lake. The acreage of Crab Orchard Lake is 7,314.

<sup>22</sup> The following operable unit acreages remain to be evaluated or remediated: Additional and Uncharacterized Sites Operable Unit (31 sites, 18,680 acres); Polychlorinated Biphenyl OU (TCE groundwater, 73 acres); Miscellaneous OU (Sites 14 and 36, 50 acres); Water Tower OU (3 acres).

Also in FY2003, BOL will amend cleanup regulations to include alternatives to the recording of the No Further Remediation Letter<sup>23</sup> to form a permanent chain of title. For example, military properties normally do not maintain a chain of title for security purposes. In other cases, placing restrictions on land use may be difficult to implement (e.g., to place any institutional controls on a military property would require approval from the General Services Administration).

- t. *By 2005, conduct 50 brownfield assessments using BOL staff.* Redevelopment assessments are evaluations of contaminants at abandoned or derelict industrial properties with a potential for redevelopment and productive use. These assessments are funded by USEPA.

Since FY1995, BOL has completed 30 redevelopment assessments. For FY2003, BOL will conduct three redevelopment assessments.

### **State Cleanups**

- u. *By 2005, clean up 9,600 acres at 1,453 sites through the voluntary cleanup program.* The Site Remediation Program is one of the oldest state voluntary cleanup programs in the nation. Remediation Applicants may elect to clean up all contamination at the site or specific chemicals. Remediation objectives are developed by the Remediation Applicant using a risk-based approach, which allows the use of engineered barriers and institutional controls. Successful completion of all program requirements results in a No Further Remediation Letter<sup>24</sup> for the site.

In FY2003, the voluntary Site Remediation Program will continue to assist Remediation Applicants in various stages of the cleanup process. BOL has targeted dry cleaning facilities and manufactured gas plants because these industries initiated sector-specific strategies (e.g., financial incentives, marketing programs, etc.) to deal with environmental cleanup issues.

- v. *By 2005, clean up 27 of 33 abandoned landfills under Illinois FIRST.* Illinois FIRST (a Fund for Infrastructure, Roads, Schools and Transit) is a five-year, \$12 billion program designed by Governor George H. Ryan to build, repair and upgrade Illinois' critical infrastructure. This program has dedicated \$50 million over the next five years to clean up 33 abandoned landfills that pose a safety and environmental threat.

In 2002, BOL completed construction of the following landfills: (1) the 40-acre Bi-State Disposal Inc. landfill; (2) the 35-acre Centralia Environmental Services landfill; (3) the 29-acre Prior 1,2,3,4 landfill; (4) the 7.75-acre Prior Blackwell landfill and (5) the 40-acre Waste Hauling landfill. The benchmark set for FY2003 is to complete construction at the following six landfills:

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<sup>23</sup>35 Ill. Adm. Code 732; 35 Ill. Adm. Code 740

<sup>24</sup>35 Ill. Adm. Code 740

<b>Illinois FIRST Construction Completions Planned for FY2003</b>		
<b>Site Name (City or County)</b>	<b>Acres</b>	<b>IEPA Inventory Identification Number</b>
Bath (Decatur)	6	1158020001
H&L Landfill (Danville)	56	1838040007
Anna Municipal Landfill (Anna)	80	1818520001
Paxton I (Chicago)	52	0316000002
Chicago Heights Refuse Depot (Chicago Heights)	29	0310450009
Lewis Landfill (Beardstown)	20	0178050001
Bishop Landfill (Litchfield)	15	1358150003

### **Leaking Underground Storage Tank (“LUST”) Cleanups**

- w. *Protect human health and environmental quality by cleaning up leaking underground storage tank systems.* The State of Illinois administers a comprehensive underground storage tank program under a cooperative agreement negotiated with the USEPA. The terms of this agreement require the Illinois State Fire Marshall to enforce preventive measures and BOL oversees the remediation of releases from state and federally regulated underground storage tanks.

At the end of June 2002, there were over 21,527 confirmed releases reported. BOL has an objective to clean up approximately 14,900 of these releases (or 26,075 acres) by 2005.

For FY2003, BOL will implement the following action plans to improve the cleanup of state and federally regulated leaking underground storage tanks:

- BOL will help underground storage tank owners and operators understand and comply with the regulatory requirements by expanding the availability of program information through printed materials, computer-based informational media, and speaking engagements. IEPA will take appropriate formal (i.e., referrals to the Attorney General’s or State’s Attorney’s Offices) and informal enforcement actions, as needed, to ensure that cleanups are proceeding to protect human health and the environment.
- BOL will oversee two USTFields pilot projects in FY2003, one for the City of Waukegan and one for the City of Freeport. BOL will direct its contractors to remediate these properties to ensure that the remediation is consistent with the proposed future use of the property.
- BOL expects to propose regulatory amendments to the Illinois Pollution Control Board as a result of PA 92-0554. This public act replaced the site classification process with site investigation.

## Other Environmental Areas

x. *Provide financial incentives and technical support to initiate and advance self-sustaining efforts by local governments and private parties to clean up brownfield sites and establish state, community and federal partnerships to promote Brownfields redevelopment.* Below are the financial incentives and technical support objectives for brownfields redevelopment in Illinois.

- By 2005, provide brownfield grants to 80 communities to investigate, assess and remediate contamination. The Illinois Municipal Brownfield Redevelopment Grant Program (MBRGP) offers grants worth a maximum of \$240,000 each to municipalities to investigate and remediate brownfield properties. Brownfield Redevelopment Grants may be used to perform environmental site assessments to determine whether a brownfield property is contaminated, and if so, to what extent. These grants may also be used to develop cleanup objectives, prepare cleanup plans, and implement cleanup activities. Grant recipients are required to share in any grant award through a 70/30 match and to spend the grant within three years. The Office of Brownfields Assistance seeks out MBRGP grant recipients, evaluates grant applications, monitors grant activities, and reviews reimbursement requests to ensure eligibility and reasonableness of costs.
- Brownfields representatives from the Office of Brownfields Assistance assist communities with extremely complex issues of Brownfields cleanup and redevelopment and guide them through both the grant application and implementation processes and will meet with city officials before they file a formal grant application to help determine cleanup potential and maximize grant dollars. After grants are awarded, the brownfield representatives continue to assist grantee by providing continuous assistance with clean-up and clean-up issues.
- The IEPA issued 65 grants as of August 15, 2002. One additional grant application is currently in-house and under review. Brownfields representatives are assisting over a dozen additional communities with preparation of grant application for submittal.
- By 2005, provide \$10 million in brownfield loans under Illinois FIRST. The Illinois Brownfields Redevelopment Loan Program (BRLP) offers low interest loans to private parties and units of local government to clean up brownfields sites.

The maximum loan amount for any single loan application is \$500,000. These loans will pay for remediation and limited investigation and demolition activities. Cleanups funded by the loan program will take place under the Site Remediation Program.

The rules administering the loan program were adopted on August 8, 2000. As of July 1, 2001, the Bureau of Land has received three Brownfields Redevelopment Loan applications. Applications are reviewed by Brownfields representatives, and the loans will be managed and serviced by the Office of Brownfields Assistance.

- By 2005, participate in four leveraged Brownfields grant projects with USEPA. The Office of Brownfield Assistance and Region 5 developed the first-of-its-kind joint state/federal grant initiative wherein USEPA Demonstration Pilot Grant funds were used to meet state grant match requirements so IEPA Brownfields Redevelopment Grant funds could be provided to Illinois municipalities.

### **Cross-Bureau Initiatives**

Below are three major initiatives that will require resources from more than one BOL focus area for their development and implementation.

#### **y. Geographic Information System**

By 2005, the BOL intends to publish on the Internet Geographic Information System (GIS) formatted data on the internet for all significant BOL sites. The BOL is standardizing its databases to meet State and Federal Geographic Standards. Geographic data gaps are being identified and corrected. By the end of FY 2003, the BOL will have point or polygon locations for all significant BOL sites.

- z. *By 2005, integrate protection of natural resources into cleanup programs.* BOL is in the process of developing a screening methodology and cleanup criteria to assure that cleanups protect plants and animals (eco-risk) as well as human health. This effort has been ongoing for about a year and will continue over the next several years, culminating in adopted rules by 2005.

#### **aa. Community Relations**

The Bureau of Land is committed to involving the public (e.g., citizens, community leaders, Agency personnel and company representatives) in the development and implementation of waste management and cleanup activities. The Bureau of Land, through the Office of Community Relations, disseminates information and promotes public involvement and education on the various Bureau programs through a variety of outreach mechanisms (e.g., public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases, and responsiveness summaries). Community Relations is engaged in an on-going process to maintain a dialogue with individuals and groups impacted by a site or facility, which can ease public concern, raise public awareness, and increase public trust.

#### 4. **Program Resources**

Projected resources for the IEPA BOL are identified by the environmental focus areas:

<b>Program</b>	<b>Federally-Funded Work Years</b>	<b>State-Funded Work Years</b>	<b>Total Work Years</b>
Hazardous Waste Management	67	49	116
Solid Waste Management	0	90	90
Federal Cleanups	45	0	45
State Cleanups	0	93	93
Leaking Underground Storage Tanks	29	52	81
Other Environmental Areas (Brownfields)	0	6	6
<b>TOTAL</b>	<b>141</b>	<b>290</b>	<b>431</b>

#### 5. **Federal Role**

##### **Hazardous Waste Management**

- *RCRA Subtitle C Program*
  - Provide compliance assistance to regulated entities subject to new federal regulations.
  - Provide compliance assistance to qualifying small businesses in priority sectors (i.e., industrial organic chemicals and metal services).
  - Provide assistance to IEPA, if requested by IEPA's BOL and/or Illinois' Small Business Program for IEPA delivery of compliance assistance in accordance with USEPA's "Policy on Compliance Incentives for Small Business," issued May 20, 1996, effective June 10, 1996, for RCRA authority regulations.
  - Coordinate compliance monitoring and enforcement efforts developed through the Greater Chicago Senior Managers Enforcement Committee.
  - Discuss with, and/or explain to IEPA: (a) new or revised federal RCRA rules, (b) new or revised Strategic Plans affecting HW, (c) USEPA's Hazardous Waste Civil Enforcement Response Policy, (d) USEPA's RCRA Civil Penalty Policy, (e) USEPA's computerized programs to determine financial status of RCRA-regulated entities, (f) USEPA's sector-, waste-, or rule-specific enforcement strategies, (g) RCRAInfo and other U.S. data management developments.
  - Provide assistance to IEPA in conducting financial analyses of violators' claim of inability to pay for injunctive relief and/or monetary penalties in formal enforcement actions brought by the State of Illinois.
  - Inspect installations handling hazardous waste: Criteria for USEPA's selection of installations include (a) statutory mandate (i.e., installations managing hazardous waste in a manner for which RCRA requires a permit, which are owned and/or operated by State and/or local governments; and treatment, storage, and disposal facilities receiving CERCLA waste from off-site locations), (b) requests from IEPA, (c) Federal facilities, (d) installations subject to open Federal enforcement judicial



- and/or administrative decrees/orders, (e) treatment, storage, and disposal facilities subject to RCRA permit conditions issued, administered, and enforced by USEPA, and (f) installations whose hazardous waste includes naphthalene and lead as part of the Regional initiative on persistent/bioaccumulative/toxic chemicals, and (g) installations that have never been inspected in the past.
- Investigate and, if necessary, inspect installations in USEPA's National Priority Sector, such as those handling certain commercial and/or industrial wastes in manners that illegally evade RCRA requirements for permits. Such operations include (a) waste-derived fertilizers, (b) metal foundries, (c) waste recycling, and (d) impermissible diluters of hazardous waste prohibited from land disposal.
  - Issue enforcement responses to RCRA violations detected by USEPA, or referred to USEPA by IEPA, in accordance with USEPA's Hazardous Waste Civil Enforcement Response Policy, USEPA's RCRA Civil Penalty Policy, and relevant USEPA enforcement strategies.
  - Conduct inspections at state and local TSDFs and coordinate any enforcement efforts with BOL.
  - Work with BOL to inspect all federal TSDFs and coordinate any enforcement efforts with BOL.
  - Work with BOL to identify and integrate the various RCRA facility universes. These universes include: GPRA baseline for CA high priority under the National Corrective Action Prioritization System (subject to corrective action), land disposal, treatment/storage. In addition, the Region will work with BOL in re-evaluating select facilities as requested by either party.
  - Implement a plan for imposing corrective action at GPRA baseline facilities which do not or will not have RCRA permits.
  - Work with BOL to develop an agreement for addressing the renewal of the corrective action portion of expired RCRA permits. The corrective action portion of all RCRA permits issued prior to 1990 were addressed by Region 5. However, the future workload will be shared by Region 5 and BOL under the agreement.
  - Assist BOL with an expedited review and approval of ARAs submitted.
  - Work with BOL and other Region 5 states to explore ways to expedite and improve the authorization process.
  - Address the issues relating to Illinois legislation (e.g., Audit Privilege Law and Section 31 of the Illinois Environmental Protection Act) that has delayed the RCRA authorization process.
  - Provide technical assistance and training (as needed) for the review of RCRA requirements.
  - Provide RCRAInfo support and training as needed and requested by BOL. In addition, Region 5 will continue to maintain the Handler Identification module of RCRAInfo.

## **Solid Waste Management**

- *RCRA Subtitle D Program*

- Work with the Superfund Division to ensure the completion and submittal of all Hazardous Waste Management Annual Reports and all Nonhazardous Waste Shipped Out-of-State Annual Reports.
- Provide technical information to BOL regarding the implementation of RCRA Subtitle D Part 258 through continued exchanges of information between approved States utilizing the Listserver and an annual meeting.
- Based on discussions with the state and review of state reported data, the UIC Branch, USEPA, Region 5, will assess the National core measures to identify significant issues and trends that have occurred in the BOL program during the past year and follow up as appropriate.
- Provide BOL the opportunity to provide input on the development of all major regulations, guidance, policy documents and issues.
- We will use the negotiated Innovation Agreement with the Illinois EPA as a means of developing Illinois EPA's outreach and regulatory capacity for the UIC program. When the terms of the Innovation Agreement are met, we will use the success as a starting point for negotiations of further program implementation activities in the State's Environmental Performance Partnership Agreement. Under the Innovation Agreement, we will complete joint compliance assistance and outreach activities and will continue in partnership with the Illinois EPA to permit or close the Class V well at the selected pilot facility. The Illinois EPA also needs assistance with reviewing Class I well logs to help determine Class I facility compliance with permits. These logs are an important factor in ensuring ground water protection as they can demonstrate whether or not a well is maintaining mechanical integrity and thus preventing leaks or other fluid migrations which could contaminate underground drinking water supplies. We will provide training to Illinois EPA staff on Class I well log interpretation which will include specific one on one training and joint reviews. Any identified instances of loss of mechanical integrity that are not resolved appropriately will be discussed with Illinois EPA for possible federal enforcement.

## **Federal Cleanups**

- *National Priorities List Program*

- Provide guidance, policy decisions, and program updates in a timely manner that may impact the State's program.
- Provide Core, Site Assessment, and other cooperative agreements yearly funding for effective implementation of the State's programs.
- Support State activities through participation in meetings, community involvement, co-hosting conferences, seminars, information sessions, as appropriate.
- Provide technical expertise wherever possible.
- Pursue new approaches to allow new technologies to be used in Superfund.
- Review and provide assistance on State work as requested or required.

- Provide lab analytical services if possible when requested by the State.
- Develop comfort letters and/or prospective purchaser agreements.
- Respond to requests to assist with transfer of federal properties for re-use or redevelopment.
- Complete and submit all Hazardous Waste Management Annual Reports and all Nonhazardous Waste Shipped Out-of-State Annual Reports.
- Inform BOL of any additional grant opportunities (e.g., Brownfields grants) that become available through USEPA.

## **Leaking Underground Storage Tank Cleanups**

- *Leaking Underground Storage Tank Program*

- Provide forums to exchange ideas and information.
- Assist in locating and/or providing specific training needs identified by BOL.
- Provide projections on LUST funding, procedure and policy changes, and other information that will affect BOL's administration of the LUST program.
- Inform BOL of any additional grant opportunities (e.g., Brownfields grants) that become available through USEPA.

## **6. Oversight Arrangement**

This agreement was developed under the National Environmental Performance Partnership System (NEPPS) guidance dated May 17, 1995. The oversight arrangements and BOL/USEPA's Region 5 relationship will follow the provisions of the NEPPS for the programs identified below.

### RCRA Subtitle C Partnership Arrangement

Considering BOL's past performance and the cooperative working relationship with Region 5, BOL will assume an independent self-management role in RCRA implementation and look to Region 5 for support and assistance in more specialized areas. To ensure an efficient and effective program, BOL will conduct the file audits and program self-assessments/self-evaluations in order to demonstrate the program's success and areas of concern. In particular, BOL will:

- (a) Meet once on or about December 10, 2002 to discuss the *State's Performance Report for the Performance Partnership Grant*;
- (b) Conduct an annual mid-year program conference call on or about May 10, 2002 to discuss the *State's Self-Assessment*;
- (c) Conduct at least quarterly program component (e.g., permit/corrective action, enforcement, RCRA Info) conference calls;
- (d) Conduct joint inspections; and
- (e) Investigate and respond to inquiries from Region 5 concerning facilities that do not appear to have been timely and/or appropriately addressed under Illinois' enforcement program. This will include at least one annual meeting between Region

5 and IEPA to discuss the file audit results. Final file audit procedures will be developed and documented during FY2003.

### **Superfund Partnership Arrangement**

USEPA Region 5 and BOL support each other's activities throughout the Superfund process, including reviews of work plans, investigations, community relations plans, risk assessments, remedial designs, etc. In order to streamline our efforts and reduce duplication of effort, the Superfund Memorandum of Agreement identifies the oversight roles of Region 5 and BOL. These roles are outlined in the table below.

<b>Document for Review</b>	<b>Federal Role</b>	<b>State Role</b>
Community Relations Plan	A (limited)	RC
Health & Safety Plan	RC	AUD
Quality Assurance Project Plan	A (limited)	AUD
Sampling Plan	RC	RC
Field Remedial Investigation Activities	AUD	AUD
Draft Remedial Investigation Report	RC	CNC
Final Remedial Investigation Report	AUD	AUD
Feasibility Study Work Plan	AUD	AUD
Applicable or Relevant and Appropriate Regulations Review	RC	RC
Draft Feasibility Study	RC	RC
Final Feasibility Study	AUD	AUD
Proposed Plan	A	RC
Record of Decision	A	CNC
Responsiveness Summary	RC	AUD
Final Design (Fund Lead)	RC	RC
Final Design (Enforcement Lead)	AUD	AUD
Remedial Action Change Orders (Fund Lead)	RC (subject to Block Grant initiatives)	RC
Preliminary and Final Inspections	P	P
Preliminary and Final Closeout Reports (Fund Lead)	A	A
Preliminary and Final Closeout Reports (Enforcement Lead)	CNC	CNC
Five-Year Reviews (Fund Lead)	RC	RC
Five-Year Reviews (Enforcement Lead)	AUD	AUD

<b>Where:</b>		
A	Approve	Each Agency fully approves each document before the document can be considered final.
AUD	Audit	Prior approval or a response to the document is not required; however, the support Agency may do a review after the fact to determine conformance with established procedures. If there is a deficiency identified and the parties concur, then steps shall be taken to correct the deficiency. Non-concurrence on deficiencies should be elevated to the appropriate management levels.
RC	Review and Comment	The support Agency will review and comment on the designated document. The lead Agency does not need to receive an approval from the support Agency to produce a final document.
CNC	Concur or non-concur	The support Agency may either concur or non-concur on the document. Non-concurrence will require that the issues relevant to the document are elevated to the appropriate management level for potential resolution of the dispute.
P	Participate	The support Agency will be given adequate notice and supporting documentation to attend meetings.

### **LUST Oversight Arrangement**

The BOL/USEPA Region 5 oversight arrangement will be similar to previous years. BOL will:

- (a) Conduct semi-annual meetings (at mid-year and end-of-year) with Region 5 to discuss the current status of the LUST program, changes in legislation, regulations, policies and procedures;
- (b) Provide semi-annual financial status reports; and
- (c) Report the progress of the leaking underground storage tank program in the Environmental Performance Partnership Self-Assessment report.

### **C. Clean/Safe Water Program**

1. **Program Description** - The program elements are designed to protect and maintain water resources in Illinois. Three principal efforts work together to fully address all aspects of water resource protection and management. Several program elements serve all efforts and are consolidated. These functions include data management; compliance assurance (including formal enforcement management systems approved by USEPA) for both facility operational parameters and competency of facility operating personnel; infrastructure financial assistance; program administration; and quality control and quality assurance for environmental monitoring.
  - a. **Water Pollution Control** - Illinois' point and nonpoint source program efforts are managed using a watershed management approach and two permit systems to control the discharge, treatment or disposal of wastewater. The program serves to manage and protect existing water resources; restore and maintain water quality in those waters which have degraded due to natural causes or human actions; monitor water quality and water resource conditions; manage watersheds and drinking water aquifer recharge areas; limit discharges into water resources; ensure operational compliance through facility inspection and evaluation; participate in educational activities to ensure that both owners and operators understand operation, compliance and administration requirements; provide compliance assistance and initiate informal and formal enforcement procedures; and administer financial assistance programs. Program operations are authorized by primary delegation for federal Clean Water Act (CWA) and its regulations, specific delegation agreements for the National Pollutant Discharge Elimination System (NPDES) and grant/loan activities, and through requirements of the Illinois Environmental Protection Act. The IEPA will use its Clean Water State Revolving Fund capitalization money to fund eligible wastewater treatment works projects, in accordance with its priority list and its annual intended use plan. Reporting on all compliance provisions contained in statute is done through the Permits Compliance System (PCS). The PCS is utilized for the NPDES program that is operated by IEPA via the NPDES Memorandum of Agreement between IEPA and the USEPA. NPDES dischargers send discharge monitoring reports (DMRs) to the IEPA, who in turn places the data in those DMRs into the PCS that is maintained by USEPA. Submittal of DMRs to USEPA may occur as a result of an inspection and enforcement action or permit condition. Program emphasis is being restructured to focus upon compliance through pollution prevention measures, using watershed management as the basis for redirecting and more closely coordinating existing activities, as well as the framework for developing new activities.
  - b. **Public Water Supplies** - Public water supplies program efforts focus on the provision of an adequate quantity of safe drinking water to Illinois consumers consistent with USEPA negotiated Public Water Supply System (PWSS) program guidance. Program activities are administered through the inspection and evaluation of water supply sources, treatment, distribution, administration and operation; water quality monitoring at the source, treatment entry point and distribution system; permitting of new or modified water supply facilities or treatment processes; administration of a Community Water Supply Testing Fund (CWSTF) program that provides analytical services and assistance

with monitoring related requirements; provision of compliance assistance and initiation of formal enforcement procedures; participation in educational activities to ensure that both suppliers and operators understand operation, compliance and administration requirements; administer financial assistance programs; and delivery of an annual report on the compliance history of all water supplies within the State. A source water protection program which is closely coordinated with the watershed protection initiative of the Agency is being used to protect surface and groundwater sources and to achieve ongoing compliance. Program operations are authorized by primacy delegation for federal SDWA regulations and through requirements of the Illinois Environmental Protection Act.

Enforcement of the federal Lead Ban is primarily accomplished through the Illinois Plumbing Code. Plumbing inspectors test flux and solder and examine pipe in both new and remodeled installations as a part of routine inspections to ensure that lead free materials are being used. Records of these inspections are maintained in a Lead Ban Compliance Report by the IEPA Field Operations Section. Lead ban compliance for public water supplies is enforced through Board regulations.

The Illinois Department of Public Health (IDPH) has responsibility for the non-community water supply (NCWS) program through a Memorandum of Agreement (MOA) that requires program operation to achieve compliance with federal SDWA and Board regulations. The MOA was modified to include the source water assessment initiatives required by the 1996 SDWA Amendments. Through the MOA, the IDPH is completing potential contamination source identification within 1000 feet of NCWS wells. Other activities under the MOA include inspection and evaluation of NCWSs, water quality monitoring, provision of technical assistance, enforcement activities, operator training and demonstration of competence for non-transient non-community water supply operators, and source water protection programs. IDPH has contracted program responsibility to some County Health Departments. Those County Departments perform inspection services, prepare reports, and provide data input and update and enforcement case referral to IDPH. Compliance reports for federal requirements are coordinated quarterly. These reports will be submitted at the same time as Agency reports.

The Agency provides analytical services for all chemical (non-radionuclide) and bacteriological contaminants for which a maximum contaminant level (MCL) has been set by the Board. In order to be able to provide this service, the Community Water Supply Testing Fee Program was passed by the Governor and General Assembly in 1990. This voluntary program provides analytical services for all required chemical (non-radionuclide) and bacteriological monitoring including repeat and confirmation samples for an annual fee. A voluntary program to analyze community drinking water samples for radionuclides and authorize the Illinois Department of Nuclear Safety to assess a fee for such services was established under the provisions of the 2001 amendments to the Nuclear Safety Law. In 1996, IDPH obtained the legislation and resources required to support specific NCWS monitoring efforts through a Laboratory Fee Program. The program establishes fees for specific analyses. Analytical services are available to all

NCWSs serving fewer than 100 persons. Free analytical services are provided for schools. NCWSs serving more than 100 persons are required to use a private laboratory for analytical services.

- c. Source Water Assessment and Protection (SWAP) - Public water supplies in Illinois rely on both surface water and groundwater as the source for water being delivered to their customers. Many of these sources of water are susceptible to contamination from land use activities near their points of withdrawal. Regulations pursuant to the federal SDWA require that a Source Water Assessment (SWA) identifying potential source of contamination be prepared for all public water supplies in the state. The IEPA anticipates that the SWA program will essentially be completed by May 2003. A SWA Internet geographic information system (GIS) has been developed and is being made available to IEPA staff and, on a limited basis (based upon proper security procedures), to the public. The IEPA is continuing the development and refinement of this system to make it more interactive for internal and external stakeholders, as well as, more comprehensive for both SDWA and CWA information.

As SWAs are completed, the Bureau will work, based upon available resources, with communities to develop source water protection management programs to minimize the risk posed by identified potential sources of contamination. The Agency acknowledges that source water management plans are not statutorily required and do not need Agency approval should a public water supply choose to prepare one. However, a number of State and Federal programs and regulations provide assistance to drinking water supplies wishing to protect their source water. These programs include: NPDES permits for upstream discharges; restrictions in construction and operating permits for wastewater facilities in proximity of surface water intakes and well setback zones; expansion of well setback zones establishing maximum setback zones; establishing regulated recharge areas; enforcement of technology control regulations; requirements for minimal hazard certification; and enforcement of groundwater quality standards. In addition, supplies participating in the vulnerability monitoring waiver program are required, through a special exception permit, to implement source water protection area management.

2. Program Linkage to Environmental Goals/Objectives - The environmental goals, objectives and indicators include various water-related conditions. These indicators were chosen to reflect statewide progress in areas of water quality, safety of the drinking water provided to Illinois citizens and overall reductions in water-related pollutant loading. The section on Performance Strategies describes new or expanded activities that will be implemented leading to achievement of the environmental goals and indicators.

The "Watershed Management" strategy addresses those watersheds with significant water quality concerns. The specific activities listed under this strategy will direct Agency programs to improve or protect water quality conditions in streams or lakes (waterway and inland lake conditions). The point source control activities in the watershed strategy will also provide improved compliance for those discharges that most directly influence water quality (wastewater discharges). Further, the source water protection component will ensure increased compliance with drinking water criteria (finished drinking water) and ensure that



the areas around community water supply wells (groundwater recharge areas) and surface water supply watersheds are protected from hazardous sources of pollution. Finally, the sediment management program is intended to address the most significant remaining water-based sources of pollution to Lake Michigan (Lake Michigan conditions) and other surface waters.

The activities listed under "program enhancements" will also contribute to achievement of the goals and indicators. The NPDES program delegation is expected to improve both understanding of and compliance with permit requirements. NPDES permit backlog management activities will place priority on discharges to impacted watersheds and should contribute to improved overall water quality (waterway and inland lake conditions). Public water supplies will focus on the development and initial implementation of innovative programs needed to carry out the provisions of the SDWA Amendments of 1996, including the integration of source water protection provisions into Watershed Management. The expanded municipal compliance assistance programs will be directed at both wastewater discharges and public water supplies and should improve compliance rates in both areas (wastewater discharges and finished drinking water).

- **Shared Regional Environmental Goals** – Region 5, USEPA and the six states have worked closely to develop a set of five shared regional environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of measurable goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

- Goal 1 - All waters in Region 5 will support healthy aquatic biological communities.
- Goal 2 - All waters in Region 5 will support fish populations with safe levels of contaminants.
- Goal 3 - Designated swimming waters in Region 5 will be swimmable.
- Goal 4 - All people in Region 5 served by public water supplies will have water that is consistently safe to drink.
- Goal 5 - The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Illinois in joint priority setting and planning to more effectively target our programmatic work. Most of the shared goals are already a part of Illinois EPA's planning and implementation process, as identified in this document. Implementation and assessment program activities conducted for the purpose of attaining Shared Goals 1, 2, and 3 are planned for and carried out by the Agency pursuant to authority provided by the Federal Clean Water Act. Shared Goal 4 activities are planned for and conducted pursuant to authority provided by the Federal Safe Drinking Water Act. Attainment of Shared Goal 5 will largely be the responsibility of the Illinois Department of Natural Resources (IDNR), the lead state agency responsible for wetland maintenance and improvement. As mentioned later in this report, the Agency intends to work with USEPA and other state agencies like IDNR to identify objectives and

approaches to monitoring wetland resources within the state. The Agency will also continue current wetland protection programs conducted under its jurisdiction (i.e., Section 401 Water Quality Certification, Section 319 funding and implementation).

# ENVIRONMENTAL GOAL

Clean Water - Illinois' rivers, streams and lakes will support all uses for which they are designated, including protection of aquatic life, recreation and drinking water supplies

## Environmental Objectives

1. Waterways with Good water quality conditions will increase 5% from 2000 levels by the year 2005. (Stream mileage in Good condition for aquatic life use reported in the cycle 2000 305(b) report was 62.5%.)
2. The percentage of lakes in Good or Fair condition will remain constant from 2000 to the year 2005. (Lake acreage in Good or Fair condition for overall use reported in the cycle 2000 305(b) report was 97.0%).
3. The percentage of open shoreline miles in Good condition remains constant from 2000 to the year 2005. (Lake Michigan shoreline mileage in Good condition for open waters aquatic life use reported in the cycle 2000 305(b) was 100%).

## Environmental Indicators

The number and percentage of waterways that are classified as Good, Fair or Poor based on assessment of designated use attainment for a)fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement)

The number and percentage of inland lakes classified as Good, Fair, or Poor based on assessments of designated use attainment for a)fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement.)

The number and percentage of Lake Michigan open shoreline miles that are classified as Good, Fair, or Poor based on assessments of overall use support attainment for a)fish and shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply. (Source: 305(b) report or electronic supplement.)

## Program Objectives

4. The total pollutant load discharged in the year 2005 will be 99.5% compliant with permit discharge limits.

## Program Outcomes

The total pollutant load associated with non-compliance as a percentage of the total permitted load discharged. (Source: Annual Conditions Report)

\*Percent of facilities implementing wet weather control measures. (Source: End of Year Report)

\*Core Performance Measure (CPM). Type of measure (i.e., indicator, outcome, or output) reflects EPA's view of the CPM hierarchy and does not necessarily imply concurrence by IEPA.

# ENVIRONMENTAL GOAL

Safe Drinking Water - Every Illinois Public Water System will provide water that is consistently safe to drink

## Environmental Objectives

1. The percentage of the population served by community water supplies who receive drinking water with no short term (acute) or long term (chronic) adverse health effects increases to over 95% by the year 2005 (an increase of 5%).

## Environmental Indicators

The percentage of persons served by community water supplies that have not incurred violations of any acute MCL, chronic MCL, acute treatment technique, chronic treatment technique or health advisory during the year for drinking water standards that have been in effect for more than 3 years. (Source: Annual Conditions Report)

Number of: a) community drinking water systems and percent of population served by community water systems, and b) non-transient, non-community drinking water systems, and percent of population served by such systems, with no violations during the year of any federally enforceable health-based standard

## Program Objectives

2. 50% of the community water supplies in the State with source water protection programs in place by 2005.

## Program Outcomes

Estimated number of community water systems (and estimated percent of population served) implementing a multiple barrier approach to prevent drinking water contamination.

# ENVIRONMENTAL GOAL

Groundwater - Illinois' resource groundwater will be protected for designated drinking water and other beneficial uses

## Environmental Objectives

1. A declining trend of groundwater contaminants in community water supply wells will occur through year 2005.

## Environmental Indicators

Trends for groundwater contaminant exceedances in community water supply wells using unconfined aquifers. (Source: Clean Water Act Section (305(b) Report)

## Program Objectives

2. The percentage of groundwater recharge areas (acres) with protection programs established or under development will increase to 45% by the year 2005. Furthermore, 90% of the state's population utilizing community water supply groundwater sources will have protection programs in place, or under development, by the year 2005.

## Program Outcomes

The percentage of total recharge groundwater recharge areas (acres associated with water supply wells) using unconfined aquifers that have protection programs established or under development. The population served by groundwater dependent community water supplies with protected source water. (Source: Annual Conditions Report)

\*Core Performance Measure (CPM). Type of measure (i.e., indicator, outcome, or output) reflects EPA's view of the CPM hierarchy and does not necessarily imply concurrence by IEPA.

### 3. **Performance Strategies**

#### a. Base Program

- **Watershed Management** -The IEPA continues to utilize a watershed approach in the development and implementation of its ground and surface water programs. The Agency coordinates watershed activities, including TMDL activities, with other state and federal natural resource agencies utilizing the Watershed Management Committee as the coordination mechanism. The Unified Watershed Assessment will be used in the expansion of programs, and enhanced coordination of watershed activities with other state and federal agencies. Development of Comprehensive Watershed Implementation Plans are underway on two watersheds selected from the Unified Watershed Assessment 1999-2000 Restoration Schedule for Category I Watersheds in Need of Restoration. The development of watershed plans in targeted watersheds utilizing 104(b)(3) funding has been implemented in 15 watersheds. Watershed staff is in place in regional offices to promote and assist watershed planning groups in the development of comprehensive watershed implementation plans. The National Nonpoint Source Monitoring Program Lake Pittsfield Watershed pilots many of the management practices utilized in predominantly rural watershed settings. This watershed is in the Upper Mississippi basin, and will continue to be monitored until the close of the National Monitoring Program's 10-year cycle on August 31, 2004. The WIP has been incorporated into the Nonpoint Source (NPS) Management Program as the format to be utilized in development of the TMDL implementation strategy. These strategies will thereby be in a watershed plan format upon completion.

The Agency will work with USEPA to enhance program coordination and improve communication between agencies. As part of this, a Natural Resources Conservation Service liaison position was established and is housed at IEPA. This liaison position has been extended through FY2003 at a minimum. The Agency will work with USEPA to coordinate the implementation of agricultural and environmental programs.

The Agency will maintain and update the State Water Quality Management Plan, which identifies goals and objectives pertaining to activities having water quality impacts. The Continuing Planning Process (CPP) provides a description of the Illinois water pollution control program. The Agency will work with USEPA to update the CPP as appropriate. Utilizing funding provided through Section 604(b) of the CWA, the Agency will also continue to support Section 205(j) water quality management planning activities performed by Areawide Planning Agencies. Activities of these agencies will be reported separately to Region 5 on a semi-annual basis.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will promote watershed management through continued financial support through Section 104(b); by supporting the Region 5 Watershed workgroup; by working with IEPA in the finalization and promotion of the WIP and revisions to the CPP; by providing technical assistance to other watershed projects; and by continued training of staff in watershed management planning methodologies.

USEPA will continue to coordinate the state/federal watershed work group to facilitate exchange of information, by arranging conference calls and meetings periodically or as special issues warrant. USEPA will provide technical assistance on environmental indicators development and planning issues and review of the Section 604(b) grant. USEPA will provide technical assistance to IEPA through membership on the Watershed Management Committee, including development of the Watershed Implementation Planning Program.

USEPA will promote watershed management through the American Bottoms and the Chicago River projects such as the Chicago Waterways Joint Priority and the Chicago Area Rivers Restoration Initiative, and through cooperation with IEPA on the Illinois River Initiatives.

- Illinois River Initiatives - Within the State of Illinois, the Illinois River Basin has been identified as a major priority. The Illinois River Watershed is one of the most significant natural resources in Illinois. The watershed includes more than 90 percent of the state's population, consists of approximately 60 percent of the total land area of Illinois, and is a principal corridor for drinking water, recreation and commerce. Protection and enhancement of this natural resource is a priority concern of the state of Illinois. The IEPA has identified numerous sub-watersheds that include rivers, streams, lakes or groundwater resources that represent high quality water resources worthy of protection and actions of a preventative nature to protect these resources. In order to focus public attention and identify resource needs, several initiatives are underway which are worthy of attention:
- Integrated Management Plan for the Illinois River Watershed - Under the Chairmanship of Lt Governor Corinne Wood, an Illinois River Strategy Team was formed. This group of public and private sector representatives formed an Illinois River Planning Committee to develop recommendations regarding environmental and economic issues on the Illinois River.

Recommendations under these issues form the heart of the Integrated Management Plan. The January 1997 Plan became the foundation for the next significant initiative, The Illinois River Restoration and Conservation Grant Act.

- Conservation Reserve Enhancement Program - In addition to the above activities, and to initiate the objectives of protection and enhancement of the Illinois River watershed, Illinois has successfully negotiated with the USDA/FSA and Commodity Credit Corporation resulting in Illinois obtaining 100,000 acre Conservation Reserve Program enhancement for the Illinois River watershed. The State Enhancement

Program proposed a total acreage of 232,000. Additional acreage eligibility will be based on successful landowner sign-up in the initial program. These additional funds will be used to achieve the goals of reducing soil erosion and sedimentation, improve water quality, and enhance wildlife and fish as detailed in the Lt. Governor's Integrated Management Plan. The estimated total costs for the Conservation Reserve Enhancement Program (CREP) for the Illinois River watershed is \$438,978,000 over 15 years. Illinois will cost share 20 percent, or \$91,733,600. As of August 9, 2002, a total of 105,968 acres were enrolled in the state side of the program. Contract costs from the state side of CREP to landowners were \$38,647,010.

The IEPA is assisting this effort by providing financial support to those counties needing additional assistance to process sign-ups and assist landowners. It is expected that a successful and positive experience in this program will enhance sign-up in other counties having Unified Watershed Assessment Strategy Category 1 waters within their jurisdiction or waters/watersheds not meeting their designated uses, requiring the preparation of a TMDL.

USEPA and IEPA Detailed Work Plans - Both agencies will continue to work with local watershed interests in high priority watersheds, as identified in the Unified Watershed Assessment and Watershed Restoration Priorities. This will include providing guidance for preparing watershed plans, and tools for motivating the public to become involved. Progress regarding watershed planning within the Illinois River basin will be reported to the Illinois River Coordinating Council, of which, USEPA is a member. Both agencies will continue to explore ways in which USEPA can provide additional technical assistance.

- Point Source Control Programs - Emphasis will be placed on managing those point sources that cause or contribute to water quality problems in priority watersheds. These sources will include both major industrial and municipal dischargers and significant minor dischargers. The IEPA will track progress in reducing impacts from these sources as a measure of success in implementing this aspect of the watershed program. While the compliance assurance programs of the Agency (including field inspections, compliance follow-up and enforcement) are structured to provide timely response to all violations of NPDES permits as well as other state and federal requirements, programs are now in place to specifically track the pollutant loads associated with point sources in targeted watersheds. This information is used to make strategic enforcement decisions. The Agency has developed an indicator to report noncompliant loads from permitted point sources in priority watersheds. By identifying critical watersheds and facilities with significant levels of noncompliant load, the IEPA prioritized its efforts at eliminating the most significant impacts to our water resources. This prioritization effort has proven to be an effective tool at reducing excess pollutant loading. The IEPA will continue its efforts to further reduce excess (non-compliant) pollutant loads.

IEPA will provide an inspection strategy and a plan for use of inspection resources at the beginning of the federal fiscal year. The strategy will identify the percentage of

majors covered and address Combined Sewer Overflows (CSO), Sanitary Sewer Overflows (SSO), stormwater inspections, Concentrated Animal Feeding Operations (CAFO) inspections, pretreatment audits and inspections, and minor facilities. (CAFO and pretreatment inspections are discussed more fully in later sections.) We will continue to focus on inspecting facilities in priority areas while addressing instances of noncompliance and maintaining a base level of oversight on a statewide basis at both major and minor dischargers. However, for FY2003, staff resource limitations will likely impact the level of inspection coverage. The inspection plan will be provided via PCS and include major facilities and pretreatment programs targeted for inspection and the type of inspection planned. USEPA, upon request by IEPA, will negotiate and provide supplemental inspection resources to assist with meeting national program goals and commitments identified in the national MOA. Scheduling is based on factors including facility compliance histories, consideration of areas with identified water quality impairment, instances of noncompliance identified during the year through sampling, review of reports, citizen complaints, requests for assistance from plant operating staff and support for other IEPA programs. Also, we will continue the program of technician reconnaissance inspections at wastewater treatment facilities. The level of approximately 8,500 site visits annually will be maintained to keep abreast of overall plant condition, equipment malfunction, poor effluent quality, or bypassing.

CSO and SSO inspections will be scheduled on a case-by-case basis in response to complaints, water quality problems, or noncompliance with permit requirements. Inspections of NPDES permitted stormwater discharges will include both scheduled inspections and response to citizen complaints. Emphasis will continue on construction site stormwater inspections in rapidly developing areas and areas where runoff from these sites is significantly impacting receiving waters.

**Core Program Outcomes** - Total pollutant load associated with non-compliance (Source: Annual Conditions Report), percent of facilities implementing wet weather control measures (Source: End of Year Report), and percent of watersheds with toxic pollutant loadings at or less than permitted limits (Source: Annual Conditions Report).

*See the Bureau of Water program outputs in the Attachment.*

**Federal Role** - USEPA acknowledges the shift in program emphasis from major discharges to sources impacting priority watersheds. Pre-issuance oversight of individual permits has been essentially discontinued except for an annual negotiated small listing, and available federal resources on the permitting side will be focused on resolving common permitting issues associated with existing, new or revised federal policies or effluent guidelines, identifying and resolving issues associated with state delegation and initial operation of the sludge program. In addition to the permits selected for review prior to issuance, USEPA will review a number of randomly selected issued permits for conformance with Federal requirements and an evaluation of the quality of those permits. USEPA will also be responsible for advising the state



of their interest in the NPDES permits for dischargers located in the USEPA place-based efforts such as Gateway or Greater Chicago. Available federal resources for compliance and enforcement will be focused on compliance monitoring in priority sectors, including wet weather, CSOs, SSOs, Stormwater Phase II, sludge inspection and support to the state for its efforts in priority watersheds, or where federal enforcement action is requested or warranted, as resources allow. In those areas where the USEPA has identified "place-based" initiatives, such as Greater Chicago, the Chicago Area Rivers, American Bottoms, and the Gateway areas, USEPA will take the lead on working out a process to provide adequate program coverage that takes best advantage of the resources of both agencies, and other partners. USEPA will work with IEPA in these place-based initiatives, to schedule direct assistance for the following activities:

1. Performing wet-weather inspections with emphasis on CSO and SSO inspections.
2. Continuing seminars for pretreatment POTWs.
3. Setting up seminars for industrial users of specific POTWs.

USEPA will provide this assistance as its staff resources allow and in consideration of the needs for similar assistance by other states in Region 5.

#### Critical Ecosystems Focus

American Bottoms - The USEPA Critical Ecosystems, Gateway and Upper Mississippi teams are working with the U.S. Army Corps of Engineers, St. Louis District Office, on a project to reduce the amount of interior flooding in the Metro East area. The primary focus of this project is to reduce flooding via the restoration of up to 15,000 acres of wetlands such that these natural areas will mimic earlier environmental conditions, absorb excess water and minimize the amount of flooding at any given time. The project's focus area is primarily the area within the historic American Bottoms area and some of the ancillary bluff lands to the east. USEPA supports this project because of the anticipated amount of wetlands that can be restored and because the agency can help the local communities resolve a long-standing environmental problem in a non-structural manner.

The Corps has asked USEPA's assistance in working with all local parties (including IEPA) to develop a comprehensive storm water plan that would reduce the amount of water and sediment due to erosion into streams that is being discharged from the bluffs. USEPA and IEPA's Collinsville office will work to develop and implement a locally approvable storm water plan.

Chouteau Islands – The Southwestern Illinois Resource Conservation and Development (SIRCD) will lead a collaborative partnership to convert 5,500 acres of private and public land into a restored habitat and recreational resource for the St. Louis Metro East Region. Region 5 and IEPA have worked with the collaborative partners on the Chouteau, Gabreit, and Mosenthine Islands. The IEPA has provided

the project management team with information about the two Chain of Rocks Landfills that are located on Chouteau Island. This information was used in the development of the site's Master Plan. IEPA's future role in this project may include resource referrals, assisting in permitting during the construction phase and make the SIRCD a recipient of Supplemental Environmental Projects enforcement moneys.

### Greater Chicago Area Waterways

#### Joint Role

There has been an extensive amount of interest related to the Chicago waterways in recent years. The Chicago waterways include the North and South Branches of the Chicago River, Chicago River, North Shore Channel, Sanitary and Ship Canal, CalSag Channel, and Lower Des Plaines River from Lockport Lock and Dam to the I-55 Bridge. Flow in these waterways consists largely of effluent from three large sewage treatment plants in the Chicago Area. These waters are designated as Secondary Contact and Indigenous Aquatic Life Standards. The distance from Northern Chicago to the I-55 Bridge is approximately 50 miles. The lower 11 miles of this waterway are undergoing active review to redefine attainable beneficial uses and supporting water quality standards in anticipation that improved conditions resulting from various environmental programs and pollution reduction initiatives warrant an upgrade in the use designation. This is the first stage of a comprehensive review that will address the entire Chicago Waterway system. The evaluation has been extended to focus on the main reaches of the Chicago Waterway via a September 5, 2002 public meeting to announce initiation of a Use Attainability Analysis. This project is expected to swing into full speed during the first quarter of FY2003 with the procurement of a technical consultant and a major public outreach effort. This activity is a joint priority of the Agency and Region 5. More information is available in Section V: Joint Environmental Priorities of this annual Performance Partnership Agreement. Also, review for the 11 mile section of Lower Des Plaines River is expected to be completed during FY2003.

- Nonpoint Source Programs - IEPA will continue to emphasize nonpoint source management programs using funding made available from Section 319 of the CWA. The Agency will implement the Nonpoint Source Program consistent with the approved NPS management program. Additional base program activities in those priority watersheds impacted by nonpoint sources will include expanded monitoring, consultation and technology transfer/awareness programs directed at contributing watershed land owners, intergovernmental working agreements, increased attention to permitted and unpermitted storm water sources and accelerated implementation of program activities identified in the approved Nonpoint Source Management Plan. During FY 2003, IEPA will focus increasing attention of its NPS program on implementation of TMDLs and implementation within impaired waters. This implementation will focus on those waters impaired due to sedimentation, nutrient enrichment, or loss of habitat. Any additional Section 319 funding will focus on support of the Unified Water Strategy, and development of implementable watershed plans. Additional resources will be focused on development and implementation of

watershed restoration action strategies and support of the TMDL effort in Illinois. The State will provide USEPA in the first biannual report, a description of the methodology to be utilized. IEPA will continue to provide data on NPS activities through the GRTS system to enhance timeliness and accuracy of information and share information with other states.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - Regional staff will support the expanded funding of nonpoint source monitoring and control activities that are part of the overall watershed program. In some cases, this may require consideration of activities that have not historically been considered for nonpoint source support at the federal level; however, activities must be eligible under Section 319 for funding. The USEPA, in cooperation with IEPA staff, will pursue approval of the designation of Illinois as an Enhanced Benefits State.

USEPA anticipates that Illinois will be submitting grant applications to support the nonpoint source program and to fund nonpoint source demonstration projects. USEPA will review these applications and provide assistance as needed. Also, Watersheds and Wetlands Branch (WWB) will continue to work with IEPA in the completion of grants previously awarded.

WWB will continue to provide technical assistance to the State and local agencies regarding practices that will minimize pollution from nonpoint sources such as proper pesticide management and no-till practices. USEPA will support use of nonpoint source funds to support clean lakes projects where appropriate criteria is met. USEPA will participate in the Watershed Management Committee at the State level and provide technical and financial support as feasible.

USEPA will provide analysis of impairments and suspected sources/causes for consideration in targeting NPS implementation actions (including monitoring).

- Public Involvement - The key to the success of water quality programs is understanding and involvement of citizens with local knowledge of water quality problems. Opportunities for public input into Agency decisions are widely available at both the policy level and for individual decisions. Public comments are solicited on NPDES permits for individual discharges to waters of the state and formal public hearings are held when necessary to resolve outstanding issues. Advisory committees, with representation from a broad cross section of the affected public, are formed to help guide the Agency in the development of most standard proposals and implementation procedures. In addition, a more formalized procedure for public comment is provided through the Board hearing process for regulatory revisions and the Joint Committee for Administrative Procedures requirements for Agency procedures. The Watershed Management Committee will continue to be utilized as a mechanism for coordination of all watershed planning and implementation activities. The Agency chairs that committee. Public and private organizations are invited to

participate in watershed planning decisions.

As new federal requirements for state administration of the provisions of the CWA are adopted, the Agency will continue to seek input from the full spectrum of public interests to develop effective, efficient and responsible implementation strategies. Three major program initiatives will continue to require extensive public input in FY2003 to define both the focus and scope of Agency implementation procedures: TMDL development for impaired waters (both for general listing criteria and individual watershed plan development), CAFO permitting requirements and Stormwater Permitting requirements for municipal storm sewer systems. Public involvement in these program areas is discussed elsewhere in this document under the specific program activity.

- Community Relations - The Bureau of Water is committed to involving the public (e.g., citizens, community leaders, organized groups and company representatives) in the planning, development and implementation of water pollution control and public water supply programs. The Bureau of Water, through the Office of Community Relations, disseminates information and promotes public involvement and education on the various Bureau programs through a variety of outreach mechanisms (e.g., public meetings and hearings, workshops and conferences, fact sheets and pamphlets, news releases and responsiveness summaries). Community Relations is engaged in an on-going process to establish and maintain a dialogue with individuals and groups impacted by a facility or project, which can ease public concern, raise public awareness, and increase public trust.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will participate in the Watershed Management Committee at the State level and provide technical and financial support as feasible.

- Wetlands Activities - The IEPA anticipates receiving approximately 1500 applications for Section 401 certification within the next year. Many of these proposed projects involve wetlands. These applications, and plans for other projects submitted on a preliminary review basis, will be reviewed for compliance with the applicable water quality standards. The IEPA will evaluate and respond as required to applications for 401 certification.

Isolated wetlands have become a major focus in Illinois since the United States Supreme Court ruling issued in the case of the Solid Waste Agency of North Cook County (SWANCC) that isolated wetlands do not fall within the jurisdiction of the Clean Water Act. New state legislation may be enacted to establish state policy on protection and management of those wetlands affected by the SWANCC decision. IEPA will track activities and participate in dialogue and development efforts within the state.

Beginning on February 22, 2002, the antidegradation standard was applied to the 401 review process. As applied, the new antidegradation standard requires an assessment

and publication of alternatives, and the assessment must address the current status and designated uses of the waters and wetlands that may be impacted. All antidegradation assessments for 401 certification projects are posted on the Agency's web page for public review and comment.

Federal Role - USEPA anticipates that eligible applicants in Illinois will be submitting requests for grants to support the wetlands program consistent with wetland grant guidelines. In order to coordinate these efforts and ensure a comprehensive and uniform approach to wetlands issues statewide, and so that related efforts in other areas of the water quality program are also coordinated with the wetland activities under these grants, USEPA and the IEPA will cooperatively evaluate the wetland grants and work products in terms of the additional wetland and water quality planning and research needs of the state. USEPA will review these applications and provide assistance to the grant applicants as needed. Also, WWB will continue to work with Illinois in the completion of grants previously awarded.

WWB will continue to review selected Section 404 permits for compliance with the tenets of the CWA. Significant violations of the provisions of Section 404 (wetlands) will result in USEPA enforcement actions. Enforcement actions in which USEPA and IEPA have mutual responsibilities will be coordinated.

As resources allow, technical assistance will be provided to the State and other agencies upon request or referral for assistance, in such areas as wetlands training, field identification and implementation of other agency programs.

- Source Water Protection - Illinois will continue aggressive implementation of a source water protection program under the 1996 SDWA. The IEPA will continue producing source water assessments.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will maintain a federal role in support of the Illinois Groundwater Protection and SWAP Programs. In particular, USEPA will undertake activities to assist Illinois with increasing local source water protection and to help define USEPA's appropriate Federal role in support of local source water protection program.

- Groundwater Protection Program - IEPA will continue improving the groundwater protection program. To accelerate implementation of pollution prevention in wellhead protection areas for new and existing water supply wells, the IEPA has leveraged existing program resources to encourage local stakeholder involvement. SWA fact sheets, monitoring waivers, and consumer confidence report technical assistance have been integrated to promote source water protection program activities and incentives. As resources allow, the IEPA will continue the development of regulated recharge area and maximum setback regulations for proposal to the Board.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will work with IEPA in the development of a fully integrated Comprehensive State Ground Water Protection Program by ensuring that all Federal criteria are addressed in the submittal.

- Lake Management Programs - The Governor's "Conservation 2000" program, initiated in SFY96, provides a wide range of conservation initiatives to be implemented by the Illinois Departments of Agriculture and Natural Resources, as well as the Agency. Many of these activities are expected to directly or indirectly compliment the watershed program, particularly in the area of nonpoint source pollution control. Conservation 2000 includes funding to implement the Lake Management Framework Plan, a comprehensive program for improvement of Illinois' inland lake resources. This program includes expanded technical and educational assistance to lake owners interested in developing restoration and protection plans; expanded ambient and volunteer lake monitoring efforts for assessment and management purposes; and limited financial assistance programs (the Illinois Clean Lakes Program and Priority Lake and Watershed Implementation Program) to provide grants for lake planning and implementation activities. Lakes with watersheds on the priority list will be given first access to the funding and technical assistance provided by the Conservation 2000 program.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - The Illinois Clean Lakes Program is essentially the same as the Federal Clean Lakes Program authorized under Section 314 of the CWA administered by USEPA. Although Section 314 funding is no longer available, USEPA will support the use of Section 319 funds to implement appropriate lake management measures both within the lake and their watersheds as set forth in approved clean lakes program plans and where consistent with the Illinois Nonpoint Source Management Program.

- State Revolving Fund Program - The Agency will continue to manage the low interest loan program for both wastewater and drinking water facilities. In anticipation of an increased demand for both wastewater and drinking water loan assistance, the Agency has implemented a leveraged program. Appropriation levels for FY 2003 will be used to support a \$100M bond sale for the CWSRF and a \$50M bond sale for the DWSRF.

Federal Role - USEPA will process all of the necessary paperwork to close out the two construction grant projects that have been administratively completed and make those funds available for the SRF program.

*See the Bureau of Water program outputs in the Attachment.*

- b. Program Enhancements - In the IEPA's self-assessment, a number of general program enhancements were identified in the three major program areas (water pollution control,

drinking water and groundwater programs) that would address weaknesses or improve overall program effectiveness. The following summarizes commitments to implement these enhancements and associated federal roles:

- SDWA Amendments of 1996 - There are a number of national work groups developing regulations required by the SDWA Amendments and the Agency is assisting on several of these. Tracking the progress of rule development allows some advance preparation to initiate State rule making.

Annual Compliance Reports will continue to be prepared and submitted to USEPA each year prior to the first of July and public notice will include the issuance of a press release that provides a summary of the report.

Annual PWSS Program Guidance is provided through Region 5 and gives direction for state core program activities, activities needed to retain drinking water- state revolving fund grants and other recommended activities. With the agreement in place, a brief response will be made to the various sections and subsections of the guidance in order to keep Region 5 apprised of the work that has been done.

To ensure long-term monitoring flexibility and enhance source water protection program progress, the Illinois EPA will delineate the source water protection areas for all public water supplies and conduct potential source identification and susceptibility analysis by May 2003. Furthermore, by May 2003, most public water supply officials will have received their completed SWAs for use in evaluating and implementing source water protection programs. However, the Illinois EPA will need additional time beyond May 2003 to make all information available to the public in an electronic format while still ensuring security relative to locational data. To complete these activities within the original budget constraints, the Illinois EPA proposes to transfer approximately \$800,000 to the Public Water Supplies revolving loan fund prior to expiration of the one-time set-aside in May of 2003. The Illinois EPA then proposes to apply for approximately \$800,000 under the wellhead protection set-aside allowed under Section 1452(k)(1)(D) of the SDWA as part of the FY2003 capitalization grant application.

Illinois has kept pace with primacy requirements for adopting promulgated federal regulations. The Illinois Pollution Control Board proposed R03-004 on September 5, 2002. This docket contains identical in substance regulations for the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). This regulation attempts to improve control of risks to human health posed by microbial pathogens, and to balance risks of disinfection by-products upon consumer health. It is expected that this regulation will be adopted within the next 90 days.

Illinois' request for primary enforcement authority for identical in substance proceedings for the following regulations was made on August 28, 2000 - Lead & Copper, Phase II b and V, Analytical Methods Revisions; Disinfection/Disinfection By-products Rule; Consumer Confidence Rule; Variances and Exemptions Revisions;

and Interim Enhanced Surface Water Treatment Rule of the Safe Drinking Water Regulations. To date, USEPA concerns regarding the environmental audit provisions of the Illinois Environmental Protection Act have prevented Illinois from receiving full primacy delegation from USEPA for these regulations. Primacy extensions for these regulations are in place, but will expire on December 16, 2002.

Illinois is preparing to submit a primacy extension request for radiological, arsenic and public notice regulations, and for various clean-up amendments adopted as a part of those identical in substance dockets.

An additional extension request will also be submitted for regulations contained in R01-020 and R02-005. These dockets include the following federal regulations which have been adopted through the identical in substance process: Amendments to Radiological Regulations; approved analytical methods for 13 List 2 unregulated contaminants for which analytical methods are under refinement; minor amendments to the December 16, 1998 Interim Enhanced Surface Water Rule (63 Fed. Reg. 69478) and the Stage 1 Disinfectants and Disinfection By-Products Rule (63 Fed. Reg. 69390); Arsenic Regulations; corrections to the January 16, 2001 Interim Enhanced Surface Water Rule and the Stage 1 Disinfectants and Disinfection By-Products Rule; delays to the Arsenic Rule; and Filter Backwash Recycling Rule.

Federal Role - USEPA will provide the State with guidance on all regulations and programs applicable for implementation in FY 2003.

USEPA will develop guidance for educational and technical assistance requirements. Input from States and USEPA Regional personnel will be included throughout the entire development procedure. USEPA personnel will actively participate in these programs whenever possible.

- Small System Support - Technical assistance activities continue to focus upon providing operational compliance assistance to small community water supplies and toward reducing operational violations for small systems through operator education on a one-to-one basis during operational visits and sanitary surveys. Scheduled activities provide additional technical assistance through conferences, seminars and workshops co-sponsored with and provided by the IRWA and the Illinois Section American Water Works Association. Presentations by Field Operations staff will also be made at workshops co-sponsored with the IDPH, at the Illinois Potable Water Supply Operator's Association (IPWSOA) annual conference, IRWA meetings, and at local operator meetings. These presentations will include topics such as record keeping and reporting requirements; operational testing procedures; backflow program implementation and record keeping; new requirements of the SDWA Amendments of 1996; groundwater regulations; State Revolving Loan fund for public water supplies; boil orders; permit compliance requirements; distribution operation; and other topics of interest that would help in the proper operation and maintenance of community public water supplies. Additional outreach is also being provided to community water suppliers with positive coliform reports to ensure proper collection



of repeat sampling and issuance of boil orders and public notices. IEPA provides technical assistance for Consumer Confidence Reports by providing the needed compliance information to water supplies for incorporation in the notices and participating in conferences, seminars and workshops to explain the requirements and respond to questions.

Considerable information is being provided on emergency response, cross-connection control, vandalism and terrorism, in response to events on September 11, 2001. The newly adopted continuing education requirements for public water supply operators and Cross-Connection Control Device Inspectors (CCCDIs) have increased the need to provide training and education on new regulations as well as the basics of ongoing operation. Participation in these activities has increased significantly by operators and CCCDIs, creating a demand for additional education programs.

Illinois was one of the states selected for siting of a Small Public Water System Technology Center, located at the University of Illinois, Urbana - Champaign Campus. Program coordination has begun among the USEPA, Regions 5 and 7, the States, Universities and other organizations. Research grants continue to be awarded. IEPA will participate on the Board of Directors and provide other assistance to the Center.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will continue to develop regulations and guidance for major Amendment requirements. Input from States and USEPA Regional personnel will be included throughout the entire development procedure.

*See the Bureau of Water program outputs in the Attachment.*

- Capacity Evaluation - All new systems that apply for a construction permit are required to demonstrate that managerial, technical and financial resources are available to support operation in compliance with all State and federal drinking water regulations.

Illinois has submitted a report to the Governor that shall also be available to the public on the efficiency of the strategy and progress made toward improving the capacity of public water systems in the State. This report was sent to the Governor on September 30, 2002.

IEPA provided documentation to USEPA on October 30, 2002 showing the ongoing implementation of both the new systems capacity development program and the existing systems capacity development strategy.

Federal Role - USEPA Regional personnel will work closely with the State on the capacity development annual reporting requirements and the report to the Governor. USEPA Regional Office will remind the State of the capacity development reporting

requirements through a memorandum.

- Technical Assistance and Public Education - These goals have been addressed since the inception of the Agency as a basic drinking water program element. A provision of the Amendments allows the USEPA Administrator to provide technical assistance to small Public Water Systems, including circuit-rider and multi-state programs, training and preliminary engineering evaluations. Illinois has long supported technical assistance as a basic element needed to maintain compliance for all public water supplies, and has planned specific activities in FY2003 in addition to routine core program operational visits (Class II Sanitary Surveys) and presentations in response to invitations. Workshops designed to provide technical assistance in record keeping, operational performance monitoring, cross-connection control and rule interpretation will be offered in several locations by the Agency, Illinois Section American Water Works Association (AWWA), IPWSOA and the IRWA. The Agency and Illinois Section AWWA will cooperate to provide technical assistance to small water supplies by presenting a description of changes to the SDWA and other State and federal regulations at the Annual meeting, the two regional Small Systems Annual Meetings held in October through seminars scheduled to be presented throughout the State, and through participation on the Illinois Section AWWA Small Systems Committee. Agency personnel will continue to participate in public civic organization programs as well as professional association activities to provide education in drinking water requirements and programs.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will develop guidance for educational and technical assistance requirements. Input from States and USEPA Regional personnel will be included throughout the entire development procedure. USEPA personnel will actively participate in education and training programs whenever possible.

- Legislative Changes - The need for possible legislative changes required to fully implement the Amendments will continue to be monitored, and actions taken as necessary.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will review and provide comments on proposed legislation and regulations to ensure consistency with federal statutory requirements. Support during the legislative adoption process may also be provided.

- NPDES Program Delegation (Sludge Program) - The Agency will continue with rulemaking that will allow state assumption of the Federal sludge authority. Work completed during FFY98 identified a need to proceed with rulemaking before the Board as well as the Agency proceeding with its portion of the rules through its own course of action. During FY 99, work on development of the rulemaking drafts proceeded through the development of the basic drafts. During FY 2003, the Agency

will have the necessary rules in place to submit a delegation application to USEPA. Sludge rulemaking proposals will be submitted to USEPA early in development so that issues or concerns may be identified. The goal of Illinois' Sludge Management Program is 54% beneficial reuse of biosolids.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - Expeditious review of the sludge rulemaking proposals as they are presented so that any fatal flaws are identified early in the process.

- NPDES Permit Backlog - Illinois has a backlog of expired NPDES permits as of September 11, 2002, of 32% for all permits and 18% for major permits. While a backlog is never a desirable condition, the expired permit conditions remain in effect until a new permit is issued. For facilities where permit requirements are not expected to change significantly over time, the impact of operating under an expired permit is minimal. The Agency has taken significant steps to reduce the backlog through the use of general permits and more efficient use of limited resources. We will further minimize the impact of permit backlog by targeting permit resources on reissuance of expired permits in priority watersheds with point source impacts and major discharges.

IEPA is also in full support and actively participating in the joint initiative of Region 5 states and Region 5 management to streamline the NPDES permit process.

By January 1, 2003, IEPA will provide a list of major permits that will be issued during FY2003. IEPA will continue efforts to meet the 10% backlog goal for major NPDES permits and will also strive to meet the goal of 10% backlog for all NPDES permit by December 31, 2004.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - As new federal regulations are issued that affect different industrial sectors, USEPA will identify specific issues that could impact expired permits and work with Illinois to develop appropriate language for permit issuance. USEPA will facilitate information exchange between the states on watershed protection, innovative approaches, etc., that could be used by IEPA in this effort. Region 5 will also expedite the review of the draft general NPDES permits, which will require renewal during FY2003, so that the use of general permits continues to be a significant element of the permit backlog reduction effort.

- Pretreatment Program - IEPA will maintain Water Enforcement National Database (WENDB) elements and PCS, continue to identify and inspect Categorical Industrial Users (CIUs) in non-pretreatment POTWs (approximately 20 percent each year), issue construction and operating permits to such Industrial Users (IUs) that are consistent with Federal regulations, review Annual Reports submitted by POTWs with approved Pretreatment Programs and provide follow-up as necessary and

conduct pretreatment audits of approved POTW programs at least once every five years, along with pretreatment compliance and reconnaissance inspections as appropriate in intervening years. We will also discuss the format and contents of a pretreatment effectiveness report with Region 5 during the year and prepare a report in a mutually agreed upon form, and continue to report annually on program performance measures (i.e., high quality sludge, POTW NPDES compliance rates, compliance statistics), and status of program activities.

Federal Role - The Region will continue to review and approve new POTW pretreatment programs that have been required through NPDES permits, and modifications to approved POTW pretreatment programs. The Region will work with IEPA to public notice new programs and modifications, and incorporate same into POTW NPDES permits. The Region will also coordinate with IEPA to provide oversight of POTW pretreatment programs, and requests copies of all pretreatment inspection reports generated by IEPA staff, as well as all correspondence regarding review of POTW Pretreatment Annual Reports. Develop and implement a strategy to identify CIUs in non-pre-treatment POTWs, obtain information to help verify their status as CIUs and their compliance status, and conduct inspections and compliance follow up. Such a strategy would have the added benefit of furthering the goals of the Metal Finishing Strategic Goals Program, by addressing the facilities operating outside the regulatory system.

- Compliance Assistance/Enforcement - Illinois will continue its comprehensive assistance program to provide wastewater performance trends and encourage timely planning for preventive and corrective actions. We will continue to target enforcement/compliance assistance as part of a watershed-based strategy to ensure timely and appropriate enforcement actions are taken for all facilities in SNC. The Agency will continue to pursue the improvement of water quality and the achievement of sustained compliance via appropriate state actions. These include requiring an IEPA permit consistent with applicable state requirements for the construction, modification, and/or operation of water supply facilities, water mains, wastewater treatment works, sewers, pretreatment, and mining facilities; administering the State's Build Illinois Compliance Grant program, loan assistance for drinking water and wastewater, and requiring properly certified operators as a vehicle for assuring that drinking water and wastewater treatment facilities are properly operated and maintained by qualified personnel. Illinois will also continue to routinely update PCS, Safe Drinking Water Information System (SDWIS), and Grants Information Control System (GICS), utilize SDWIS – State in production mode, as well as continue to assist USEPA in addressing information needs. Information will continue to be provided on all water programs.

Field staff will provide a level of compliance assistance which is appropriate for the needs of the facility at each inspection. This may range from a discussion of the inspection results to extensive operational assistance, including both assistance funded under the 104(g)(1) program and operator assistance at larger and non-municipal facilities. The 104(g)(1) program provides onsite assistance to facilities that are having performance problems in order to try to avoid the need for enforcement action. Field staff will try to emphasize operational or organizational changes, repairs and minor construction if at all feasible, rather than major capital improvements. Activities in the 104(g)(1) program will continue at the level of past years, including mid-year and end-of-year reports, participation in regional and national activities, and assistance in maintenance of the national computer database. Also, efforts to improve security of wastewater facilities will be initiated. Additional 104(g)(1) funds are available from FY2002 to address improved security, including training for field staff, and onsite assistance to facilities in conducting vulnerability analysis and emergency planning.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - The Region will continue to provide any information on national or other state activities with a similar focus. USEPA will share compliance assistance tools with the State, review quarterly noncompliance reports, review the draft tracking and reporting system, provide multi-media inspection training, and share the enforcement workload with the State to assure statewide/program-wide coverage of SNCs and geographic areas of concern.

The Region will continue to work with the State to identify additional IUs in non-approved POTWs that are subject to categorical pretreatment standards. The Region will also work with IEPA to ensure that conditions included in State-issued construction and operating permits for pretreatment facilities at these CIUs are consistent with federal pretreatment requirements. USEPA will support operator assistance efforts and encourages Illinois to fully participate in the National and Regional Operator Training Conference. USEPA will provide IEPA with a list of facilities the Region intends to inspect in the fiscal year and the resources available for assistance.

Joint Role - Compliance related citizen complaints and tips that are received by the region will be forwarded to the IEPA for investigation and response. Regional staff will refer complaints to Illinois EPA headquarters (Field Operations Section) regional office, when possible. For complaints concerning sludge and pretreatment matters, the IEPA will report back the disposition of the complaint to USEPA upon conclusion of the investigation.

OECA MOA Initiatives - When Headquarters OECA develops special compliance initiatives which require IEPA participation, the Region will communicate those needs at the earliest possible date. The Region and IEPA will work together to participate in OECA MOA initiatives as fully as resources allow.

**Core Program Outcomes** - The required data elements for Accountability Outcome Measures #1 and #2 and Output Measures #1 through 4 of the Enforcement and Compliance Assurance Programs will be maintained in PCS.

- **Wet Weather Initiatives** - IEPA will continue the efforts of controlling wet weather flows which include inspections of Stormwater related construction sites, industrial Stormwater facilities, and facilities with SSOs and CSOs. Maintaining stormwater related compliance and enforcement is a priority. IEPA will develop Phase II Municipal Separate Storm Sewer System (MS4) Permits for issuance by December 2002. IEPA will reissue the Rockford Phase I MS4 Permit. IEPA will focus on CSO and SSO issues including reissuance of expired or expiring NPDES permits with CSO control requirements and industrial and construction activities covered under the Phase I Stormwater regulations. IEPA will issue CSO Permits consistent with the national CSO Policy. Priority will be given to those Stormwater facilities which: (a) have failed to apply for coverage under NPDES permit, (b) failed to develop and implement the required Best Management Practices (BMPs), and (c) cause significant water quality problems. IEPA currently has an existing permit which covers Phase I and Phase II construction sites. It expires in May 2003 and IEPA plans to reissue the permit in a manner that will cover both Phase I and Phase II affected sites. Regarding SSOs, State regulations prohibit overflows from sanitary sewer systems. The Agency will continue to use its enforcement authority to gain correction of these overflows when they are discovered. By September 30, 2003, an inventory of SSOs, and an enforcement and compliance assurance implementation strategy for SSOs, will be undertaken. We will also continue to monitor the development of Federal regulations and make any changes to our programs that are necessary.

IEPA will develop a strategy and permit conditions to implement the recent incorporation of federal CSO policy into the Clean Water Act. The purpose of this effort is to assure that CSOs do not cause or contribute to violations of water quality standards. This will include: a) development of standard permit conditions requiring development of long term control plans (LTCP) for combined sewer collection systems, b) a schedule and approach to incorporate such requirements into permits through reissuance or modification, and c) a prioritization system that recognizes sensitive areas at high risk for human health exposure such as waters utilized for potable water supply, swimming and recreational activities. IEPA will reissue permits or issue a general permit for CSO communities tributary to the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC). Through this effort and the reissuance of other expired CSO permits, IEPA will strive to meet the national goal of 100% of CSO communities under permits or enforcement actions with nine minimum control (NMC) and CSO abatement plan requirements consistent with the National CSO Policy.

The Wet Weather strategy and implementation steps for dealing with CSOs, SSOs and stormwater will be developed in consultation with Region 5.

Federal Role - Facilitate regular conference calls to address Stormwater Phase II implementation issues. Review proposed CSO strategy and permit language and track progress in reissuing permits with NMC and LTCP requirements consistent with CSO Policy.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - USEPA will provide information on P2 and Animal Feeding Operations (AFO) to IEPA.

- NPDES Permit Streamlining – IEPA and EPA, Region 5 will continue to examine the NPDES permitting process in order to identify opportunities for increased efficiency and streamline through innovative approaches. A concurrent effort is being done for implementation of Phase II storm water permits and the TMDL process. IEPA and EPA, Region 5 will work together to implement one or more of the recommendations coming out of the permit streamlining workgroup. IEPA and Region 5 will continue to work together to identify and implement streamlining opportunities for all parts of the Water Program, especially the NPDES compliance elements fostering innovative approaches, and working in partnership.
- Onsite Wastewater Treatment Systems - Private sewage disposal systems serving fifteen people or less, as well as all systems with a subsurface discharge, are regulated by the Illinois Department of Public Health (IDPH) as stated in a Memorandum of Agreement between the Illinois Environmental Protection Agency (IEPA) and the IDPH. The Illinois Private Sewage Disposal Act defines population equivalent as the average waste loading produced by one person which is defined as 100 gpd.

Roughly 13,000 private home sewage treatment systems are installed, replaced, or repaired each year in Illinois. More than 5,000 new surface discharging systems are permitted each year. Many of these discharges reach curb sides, ditches, storm sewers and surface waters. The Illinois Department of Public Health estimates there may be as many as 133,000 surface discharging private sewage disposal systems in Illinois.

Nationwide, onsite treatment systems have served 25% of households since the 1960s, however, 33% of new homes are served by onsite. 50% of onsite systems are in urban areas. EPA estimates between 10% to 30% are failing and they are documented contributors of pathogens responsible for numerous beach closings, shellfish bed closures, public drinking water standard violations, and are a significant contributing factor of additional contaminants in many of the nation's 10,000 impaired water bodies.

The purpose of USEPA's *National Guidelines for Management of Onsite/Decentralized Wastewater Treatment Systems* is to raise the level of onsite treatment performance through management by State and local health officials. Success of onsite management programs in Illinois is dependent on cooperation

among the Illinois Department of Public Health, County Health Departments and the Illinois Environmental Protection Agency.

Issues requiring inter-agency coordination include Clean Water Act requirements. For example, under the Clean Water Act, discharges to surface waters are subject to the NPDES Permits Program and Municipal Separate Storm Sewer Systems are required to identify and eliminate illicit discharges to storm sewers, including unpermitted (under the NPDES), onsite wastewater treatment system discharges. Over the next year, Illinois EPA will continue to work towards appropriate integration of on-site systems into the NPDES program.

Under the Safe Drinking Water Act, discharges from large capacity septic systems and cesspools are regulated as Class 5 Wells by the Underground Injection Control Program. The Source Water Assessment Program identifies significant potential threats to public drinking water systems. The Source Water Protection Program depends on cross-program regulatory coordination and voluntary local initiatives to protect both surface and ground drinking water sources.

- Water Quality Standards Activities - IEPA is currently involved in numerous standards initiatives that will carry into FY2003. Several are multi-year efforts that will extend well beyond FY2003. The Board adopted antidegradation regulations on February 22, 2002. Implementation rules were included in the regulation. IEPA is currently negotiating with the Illinois Department of Natural Resources regarding endangered species consultation built into the antidegradation regulation. The Board is expected to adopt the Triennial Review package of standards revisions in the first half of FY2003. This includes updated zinc, nickel, cyanide and BETX General Use water quality standards as well as converting metals standards to dissolved form. The Board is also expected to adopt new ammonia water quality standards for General Use waters in early FY2003. Review of the Lower Des Plaines River use designation and affiliated water quality standards are currently underway. IEPA has recently issued an RFP for contractual technical assistance in completing the Use Attainability Analysis of the Chicago Water system. An initial kick off public meeting was held on September 5, 2002. Additional standards issues expected to receive staff attention during FY2003 include nutrient standards, bacterial standards, mining related regulations including water quality standards revisions for sulfate and total dissolved solids, public water supply intake water standards for radiological parameters, and a use attainability analysis of the Chicago Waterway System. IEPA will also begin to update human health criteria based on the revised USEPA Human Health Methodology. Several of these issues may be brought before the Board during FY2003.

Federal Role - USEPA will work closely with the Agency during the process of developing revisions to water quality standards and any changes to use designations to ensure that proposals submitted to the Board are approvable. USEPA will provide IEPA with Regional and national technical support and necessary data through the Clearinghouse. USEPA will consult with U.S. Fish and Wildlife Service (USFWS)



on new or revised water quality standards adopted by Illinois. USEPA will provide timely review and approve or disapprove new or revised water quality standards adopted by Illinois. USEPA will participate in and support both the public outreach and technical assessment aspects of the Use Attainability Analysis.

*See the Bureau of Water program outputs in the Attachment.*

- Development of Biological Methods and Assessment Criteria – IEPA will continue to work with USEPA Region 5 to evaluate and enhance sampling methods for stream macroinvertebrates and fish and to enhance ways to incorporate biological information into assessments of designated use attainment of Illinois surface waters. IEPA has completed evaluation of the new fish index of biotic integrity and will use it for resource-quality reporting in the 2004 305(b) report. Development of a multi-metric macroinvertebrate index of biological integrity continues as scheduled. IEPA will continue to coordinate meetings of the Biocriteria Workgroup to update and to solicit review of the development of biological methods and of how to incorporate biological criteria in use-attainment assessments.

*See the Bureau of Water program outputs in the Attachment.*

Federal Role - The Water Quality Branch at Region 5 will continue to provide expertise in workings of biocriteria in general, participate on Illinois Biocriteria Workgroup, and facilitate the exchange of biocriteria information between Region 5 states and others. Region 5 will assist the state in obtaining federal funds that may be available for the development of biological assessment tools.

- Development of Nutrient Criteria - IEPA will continue participation in the Regional effort to develop nutrient criteria guidance through its membership in the Regional Technical Assistance Group (RTAG). IEPA will finalize its nutrient plan during the first quarter of FY 2003 and submit the plan to USEPA for concurrence. IEPA will implement the elements identified in its plan for FY 2003. IEPA will also continue to hold meetings of the Illinois Nutrient Standards Workgroup in FY2003. A Science Sub-committee of this group was formed in FY2002 in order to decide issues related to the manner in which water quality standards will be developed for Illinois. Data from new monitoring efforts including chlorophyll data collected in streams and continuous monitoring data from eight stations will be analyzed. The Science Sub-committee will continue to meet and advise IEPA on standards development.

Federal Role - USEPA will coordinate the Regional nutrient criteria effort. USEPA will work with USGS-Biological Resources Division and Water Resources Division to develop a nutrient database for Region 5. USEPA, Region 5 will participate in the national nutrient workgroup with USEPA HQ and the other Regions. USEPA, Region 5 will ensure that issues of concern to Region 5 States and Tribes receive adequate and appropriate consideration by the national workgroup. USEPA will publish national guidance on nutrient criteria applicable to Region 5 States and Tribes. Guidance will be developed for lakes and reservoirs, streams, estuaries and

wetlands.

- 305(b) Reporting - Pursuant to requirements in Section 305(b) of the Federal CWA, the Agency publishes a biennial "Illinois Water Quality Report" that provides an assessment of the water quality conditions of the state's surface and groundwater resources. An Illinois Water Quality Report is required to be written and published in all even numbered years (e.g., 2002, 2004, 2006), while electronic updates of water quality data are requested to be submitted in odd numbered years (e.g., 2003, 2005, 2007). For this reporting period, the Agency does not plan to submit an electronic update by April 1, 2003, as originally envisioned. Rather, limited staff resources will be spent on dealing with several priority issues, including resolving STORET and in-house database storage and retrieval issues; transferring from the old Assessment Database (ADB) to the new ADB, and from old Reach File 3 (RF3) to new National Hydrographic Dataset (NHD); coming up to speed on Comprehensive Assessment and Listing Methodology (CALM) and Integrated Reporting guidance; finalizing the development of new biological assessment tools (e.g., IBI, MBI); updating use assessment methodologies (e.g., drinking water use); and potentially updating criteria for identifying key potential causes of use support impairments (e.g. nutrients, siltation).
- Five-Year Monitoring Strategy - The Agency finalized and forwarded to USEPA in October 2002 an updated "Water Monitoring Strategy: 2002-2006." This second IEPA water monitoring strategy updates the first strategy that represented the period 1996-2000. This updated document addresses all IEPA water-monitoring programs funded by CWA Section 106 funds for the period 2002-2006 and describes major surface and groundwater programs within the framework of USEPA draft guidance for state monitoring programs. This draft guidance is commonly referred to as the "Elements of an Adequate State Ambient Water Monitoring and Assessment Program" (USEPA 2001). During this fiscal year, IEPA will work with USEPA on identifying objectives and approaches to monitoring wetland resources within the state.

Federal Role - Region 5 will review the report and provide written comments to IEPA within the first half of the fiscal year. Subsequently, IEPA and Region 5 will jointly discuss any recommended adjustments of the strategy and means to implement the activities and recommendations encompassed by the strategy.

- Fish Consumption – IEPA will assist USEPA in conducting the new national fish contaminant survey. Illinois will also reconcile, as appropriate, designated uses and water quality criteria for water bodies with the risk assessment methodologies for developing fish/shellfish advisories/ classifications.

Federal Role – USEPA will design and implement the national fish contamination survey. EPA will also communicate with the State on fish consumption advisory consistency and assist on maintaining current consistent approach used by Region 5 states.

- Fox River Water Quality Study - The Fox River Valley is among the fastest growing and urbanizing areas in the State. The river is a highly valued asset to the area and is increasingly relied upon for a myriad of competing uses. Expanding population brings additional desire for recreational activity in and along the river, additional treated wastewater discharge and urban storm water drainage and more recently reliance upon the river as a potable water supply. Years earlier the river had undergone significant alteration with construction of a series of dams creating pools throughout most of the Illinois portion of the river. In 1998 a portion of the river was added to the Illinois Section 303(d) list of impaired waters.

In response to concerns over water resources and the effects of dams and as a preliminary step to evaluating water quality issues, USEPA and IEPA undertook supplementary water quality monitoring performed during the summer of 2000. In 2001 IEPA facilitated the formation of a Fox River stakeholders initiative to participate in a comprehensive water quality assessment of the Fox River below the Fox Chain of Lakes. The scope of the study extends beyond assessment of current conditions and problems to address future conditions and water quality management needs to accommodate projected population growth and economic expansion into the next 20 years. The Illinois State Water Survey has been retained under state and federal funding to complete phase 1 of this study. In addition to the financial assistance already provided, both IEPA and Region 5 have committed to support this initiative as participants in the stakeholders steering committee activities.

The Illinois EPA will continue to participate in the Fox River Study Group, with a long-term goal of identifying and achieving appropriate water quality standards, point and nonpoint pollutant source controls and other resource management practices to maintain the full integrity of the Fox River. The group's current efforts include intensive sampling of the river and overseeing work by the Illinois State Water Survey to compile and review available water quality information.

- Upper Mississippi River Issues - Frequently, there are differences in the states' water quality standards, 305(b) assessments, monitoring approaches, and 303(d) listings for the Upper Mississippi River Basin. The Upper Mississippi River Basin Association is working with the states to identify and evaluate differences in the five basin states' 305(b) assessments, 303(d) listings, water quality standards, and TMDL activities on the mainstem of the Upper Mississippi River. USEPA and Illinois will continue to support and participate in the activities associated with this effort.

Illinois Nutrient and Sediment Assessment - The President's Mississippi River/Gulf of Mexico Watershed Nutrient Task Force completed the "*Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico*," in January of 2001. The *Action Plan* made several recommendations for the control and management of the release, reduction and mitigation of nutrients to the Mississippi River Basin.

This strategy for dealing with the hypoxic zone in the northern Gulf of Mexico recommended the establishment of sub-basin committees and the development of sub-basin strategies as two primary actions for addressing sub-basin (such as the Upper Mississippi and Illinois River) and state issues. The State of Illinois has initiated a restoration effort for the Illinois River Basin through the restoration of river corridors along tributaries of the Illinois River, as well as, specific actions to the Illinois River flood plain. IEPA and Region 5 will use these opportunities to assess the reductions to the release of nutrient into the Illinois and Mississippi River systems through monitoring and modeling of these restoration actions. Furthermore, the Illinois Department of Agriculture initiated the Nutrient Management Task Force, composed of staff from the IEPA, USEPA, state research organizations, farm groups and industries, and the NRCS. The activities of the Task force include reviewing water quality data and programs directed at agricultural nutrient controls. The IEPA and USEPA will work with this Task Force to identify additional watersheds and actions to reduce and mitigate the release of nutrients to the Illinois River system/basin.

USEPA and IEPA will work on the Water Quality Technical Committee of the Upper Mississippi River Basin Association and the Upper Mississippi River Conservation Committee in the assessment and analysis of water quality criteria and standards for the Upper Mississippi River. As indicated above, efforts have been initiated to begin the dialogue regarding the consistency of stream segments and an understanding of listing processes and decision-making, both IEPA and USEPA will participate in these efforts.

As resources allow, actively shape and participate in the Central Basin Rivers Environmental Monitoring and Assessment Program (EMAP) project to establish cost-effective, efficient, and unbiased techniques to assess the environmental condition of the Upper Mississippi River.

- Total Maximum Daily Load (TMDL) - Illinois EPA's watershed initiative provides a framework for successful coordination of nonpoint and point source program activities for the improvement of water quality conditions. The TMDL process is an important tool for developing watershed-based solutions and therefore, an important component in watershed restoration efforts. The Agency will continue to rely on the 305(b) reporting process for the identification of water quality limited waters in need of TMDLs in accordance with Section 303(d) of the Clean Water Act.

A Request for Proposals (RFP) for the development of TMDLs was finalized and released in September of 2002. This RFP seeks to bring under contract an appropriate number of consultants that will remain under contract to Illinois EPA for three years. During this three-year period, watersheds for TMDL development will be assigned to the consultants. Consultants should be under contract with Illinois EPA to begin TMDL development by February 2003. This RFP will establish a new process for TMDL development in Illinois. A stage for data collection for the purpose of developing more credible TMDLs will be added and utilized if Illinois

EPA deems it necessary to fill significant data gaps. Keeping the same consultant(s) under contract with the agency for three years and eliminating the need for posting an RFP each year will expedite TMDL development because we can begin TMDL development in another watershed anytime without going through the time-consuming RFP process.

The complete TMDL process will be conducted in three stages.

**Stage 1 - Data Analysis, Watershed Characterization, Methodology Selection**

- Description of the watershed
- Collection/Analysis of all readily available data,
- Identification of methodologies/procedures/models
- Describes data adequacy for credible TMDL
- Identifies what additional data to be collected
- Holds one public meeting

**Stage 2 - Data Collection**

- The Agency will evaluate the Stage 1 final report and collect additional data if it is deemed necessary to fulfill significant data gaps
- This could be done one of two ways:
  - The Agency will collect the data
  - The Agency will arrange for collection of the data using Agency staff, or by contract amendment with the contractor

\*Data collected by anyone other than the Agency will only be conducted following approval of a QAPP

**Stage 3 - Model Calibration, TMDL Scenarios, Implementation Plan**

- Develop TMDLs utilizing information from Stages 1 & 2
- Develop/evaluate several allocation scenarios
- Develop an implementation plan
- Hold one public meeting, one public hearing

Illinois EPA will consider submitting the implementation plan separate from the TMDL for USEPA approval. The purpose of separating the TMDL from the implementation plan would be to expedite the TMDL development process.

Timetables established for the completion of each stage are: Stage 1 (6-12 months); Stage 2 (0-12 months); and, Stage 3 (18 months). Illinois EPA will make every effort to streamline the TMDL development process by moving from one stage of development to the next as efficiently as possible.

Illinois EPA has completed the Cedar Creek and Governor Bond Lake TMDLs developed in conjunction with USEPA. The Cedar Creek TMDL was submitted to and approved by USEPA. The Governor Bond TMDL was submitted to USEPA for

review and approval in September 2002. Illinois EPA is currently in the process of developing TMDLs in 15 additional watersheds. Four of the 15 watersheds will be finalized and submitted to USEPA for approval by June 2003. Those watersheds include Salt Creek, East Branch of the DuPage River, Rayse Creek, and the East Fork of the Kaskaskia River. The schedule for the other 11 watersheds consist of submitting to USEPA for approval the Charleston Side Channel Reservoir, Fox River (Richland County), and West Branch of the DuPage River TMDLs by July 2003. The Vandalia Lake, Altamont New Reservoir, Casey Fork, Bonnie Creek, Beaucoup Creek, Big Muddy River, Dutchman Creek, and Little Muddy River will be submitted to USEPA for approval by November 2003.

Illinois EPA will submit a final Section 303(d) List and methodology to USEPA for approval by November 1, 2002.

Illinois EPA and USEPA will continue to work together to combine annual TMDL funding sources into one multi-year TMDL grant. It is envisioned that this consolidated TMDL grant will provide efficiencies in the funding process and cut down on unnecessary paperwork.

Illinois EPA and USEPA will work together to eliminate duplication in reporting TMDL program/project progress. Currently TMDL activities are reported to both the 319 Grant Program, and to the TMDL Grant. Eliminating the reporting of TMDL progress to the 319 Grant Program will provide efficiencies in the reporting process and cut down on unnecessary paperwork.

Illinois EPA will participate in monthly TMDL conference calls with USEPA Region 5 staff and the Region 5 States.

Illinois EPA will update its TMDLs strategy annually and provide for USEPA's review and comment.

Federal Role - USEPA will continue to coordinate the State/Federal TMDL workgroup to facilitate exchange of information, by arranging conference calls and meetings periodically or as special issues warrant. USEPA will continue to work with State in the TMDL program review of methodologies, review of TMDLs, guidance and technical assistance in development of TMDLs. USEPA is interested in working with the States to improve the quality of the 305(b) report. USEPA will review and comment on draft TMDLs and 303(d) lists in a timely manner. USEPA will provide TMDL practitioners training by February 2002.

- Livestock Waste Management - The Agency has operated a livestock waste management program for many years, and has had field inspection staff specifically assigned to the program for over 20 years. Watershed Management Section staff and the Agency's Agricultural Advisor provide additional resources for the program. In 1996, the Legislature adopted the Livestock Management Facilities Act in response to public concern about environmental affects of livestock production facilities,

particularly large hog confinement facilities. Among other things, this law gives the IDOA some additional responsibilities for regulating environmental aspects of these facilities. In 1998 and 1999, the Legislature amended the Livestock Management Facilities Act to expand the coverage of facilities subject to the Act.

The Unified Strategy for Animal Feeding Operations (AFO) was issued March 9, 1999. The Agency will work with Region 5 on an implementation plan consistent with available state resources. In FY2003, IEPA will continue to develop the AFO inventory. In developing the inventory, the IEPA will compile data from existing sources based on field inspections, enforcement activities and permitting. Other sources will be added as deemed appropriate and reliable. This initial phase of the inventory process will be provided to USEPA for review. Following this review, additional data and a schedule for any outstanding activities necessary to complete the inventory of CAFOs will be arranged by mutual agreement between IEPA and USEPA.

The IEPA will issue a public notice for a general NPDES permit for CAFOs including those with 1,000 or more animal units before the end of calendar year 2002. The IEPA will issue the general permit for CAFOs by March 2003, unless our review of the new CAFO rule suggests it would not be useful to have this general permit or unforeseen resource limitations occur. Authorization for coverage under the general NPDES permit will be issued for eligible facilities. Individual NPDES permits will be issued to CAFOs including those with 1,000 or more animal units that may need additional permit conditions beyond those in the general NPDES permit. Through ongoing efforts, the Agency will solicit notices of intent to CAFOs or applications for individual NPDES permits, as the case may be. For CAFOs with 1,000 or more animal units, the Agency will enforce the duty to apply for an NPDES permit in the event that a facility is subject to enforcement for a water pollution violation or violations. For CAFOs with more than 300 but less than 1,000 animal units that are subject to enforcement for a water pollution violation or violations, the Agency's enforcement will result in either (1) a change in the design or operation of the facility, or both, such that the facility no longer is a CAFO point source, or (2) the submission of an application for a NPDES permit. The Agency will continue to work with Region 5 to review and revise as may be appropriate current state strategies for dealing with CAFOs in the context of the existing Federal strategy and emerging guidance including permitting, inspections, compliance, priority ranking criteria and enforcement. With regard to a strategy for inspections, the Agency will continue to respond to complaints and follow up on previously identified problem facilities. It will also continue to initiate inspections consistent with available resources, working toward a goal of inspecting all CAFOs before October 2003. Provided that USEPA promulgates revisions to the NPDES regulation and/or Effluent Limitation Guidelines and New Source Performance Standards for CAFOs before July 2003, the IEPA will begin to review the state's NPDES authority and, if necessary to administer the federal revisions, initiate the process to make revisions to Illinois' NPDES authority for CAFOs.

The Agency will continue to use Section 319 funds in FY 03 for development of a program to assist operators with livestock waste nutrient management plans and construction of livestock waste handling facilities that will correct water quality problems identified in the 305(b) report.

Federal Role - USEPA will work with the State in developing the State strategy for NPDES permitting, inspections and enforcement. USEPA and the State will work cooperatively to conduct inspections and take enforcement actions as planned and required. USEPA will assist in the review and revision of legal authority described above.

*See the Bureau of Water program outputs in the Attachment*

- Coordinated Use of Enforcement Authorities - Efficient use of resources and effective approaches to promoting compliance can be optimized through coordination between USEPA and IEPA regarding pursuit of enforcement activities. Periodic conferences with designated compliance and legal staff at USEPA and IEPA should take place to discuss formal enforcement actions each agency anticipates initiating and to identify violators that are to be pursued as a cooperative effort by both agencies. Identification of such cooperative efforts should take into account the priorities of each agency, including targeted watershed considerations, geographic initiatives (such as those involving the Metro East area, Greater Chicago, and the Upper Mississippi River), priority pollutants, and the pretreatment and sludge programs. Where USEPA will take the lead in enforcement action, IEPA would, in appropriate instances, provide supporting information and participate in proceedings and settlement negotiations. Such participation would apply to matters handled by both administrative orders issued by USEPA and by complaints filed in federal court through the United States Department of Justice (USDOJ). If warranted by the circumstances, the Illinois Attorney General's Office, on behalf of the IEPA and the State of Illinois, might elect to intervene as a formal party to enforcement cases filed by USDOJ.

Federal Role - USEPA and, in some cases, USDOJ, would initiate and pursue the enforcement actions that are to be handled cooperatively with a federal lead. Penalties collected in such matters would be split with IEPA in recognition of the degree of state support provided.

- Compliance Assistance Activities - The Agency is currently reviewing the comprehensive list of reporting requirements provided by the Region. This listing also contains recommendations for changes and improvements to the current process. The goal of this review is to further streamline reporting and oversight within the constraints of federal statutory and regulatory requirements.

*See the Bureau of Water program outputs in the Attachment.*



Federal Role - USEPA will provide a comprehensive list of current reports received from the Agency as well as a listing of reports and submissions required under federal statutes and regulations. They will work with the Agency to streamline necessary reporting and integrate this reporting into the self-assessment process to the maximum extent possible. In addition, a study of oversight and accountability activities has been undertaken. When complete, the study will be used by USEPA and the state to ensure that these programs are both efficient and responsive to program needs.

4. **Program Resources** - The Agency plans to devote 320 work years in FY 2003 to activities in the water program. Of this total, approximately 181 work years will be supported with State resources and 139 work years will be supported by federal funding under the CWA and SDWA. The distribution of work years is expected to be as follows.

	Federal Estimated Work Years	State Estimated Work Years
Water Pollution Control	91 <sup>25</sup>	130
Public Water Supplies	48	51

This level of effort assumes that federal grant awards in FY2003 will approximate the amounts received in FY2002. Work years associated with groundwater protection activities are included in the numbers shown for the Public Water Supply program. The NCWS program is administered by the IDPH and accounts for 6 of the federal work years above.

5. **Federal Role for Clean/Safe Water Program** - While new federal and state roles will be discussed and emerge during the next year, Region 5 commits to support Illinois in all efforts necessary to achieve the Agency's mission of clean and safe water. Administratively, Region 5 will continue to provide IEPA timely information regarding available resources and competitive grants throughout the year and will work with the State to expeditiously apply for and receive appropriate awards. Region 5 will work with IEPA to seek innovative ways to address broad regional priorities, including community-based environmental protection, pollution prevention and compliance assistance. Geographic initiatives are in place in the Greater Chicago and East St. Louis areas as well as the upper Mississippi River Basin in Illinois, and efforts will continue to foster relationships with these local areas and address specific community concerns. In addition to those listed elsewhere in this agreement, Regional activities in the State's broad program components include the following:
  - Region 5 commits to providing technical and programmatic assistance to IEPA in the development of revisions to state water quality standards.
  - Region 5 will pursue improved state coordination 1) to establish regular and improved communication mechanisms so that the Region can be proactive in

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<sup>25</sup> Four of the federal work years in the Clean Water Program are funded by 205(j) monies for monitoring and assessment activities.

addressing upcoming issues and the states can better network with each other to provide better public service, and 2) so the states are better informed and active participants in regional and national goals.

- Region 5 will develop a mechanism to report the progress of the Region 5 states' Wellhead Protection Programs.
- Region 5 will develop and provide tools to the states to assist with the implementation of Illinois' Wellhead Protection Programs.
- Region 5 will develop a mechanism for working with or improving relationships with federal agencies to support Illinois' Wellhead Protection Program.
- Region 5 will continue to facilitate the development of electronic reporting of the progress of the Region 5 states' Source Water Protection Programs.
- Provide assistance to IEPA in implementing their Source Water Protection Program.
- Region 5 will work with IEPA and other partners on developing plans to assess and remediate sediment pollution in the West Branch of the Grand Calumet River.
- Region 5 will work with IEPA in regards to defining appropriate dredge material disposal sites for the Upper Mississippi and Illinois Rivers.
- Region 5 has shared with IEPA the Fate and Transport Report for Sediments and Nutrients for use in targeting watersheds for water quality improvements.
- Region 5 will also assist the State in expanding GIS/Global Positioning System capabilities.
- Region 5 will assist IEPA staff with interpretation of the National Primary Drinking Water Regulations, and with the development of regulatory implementation alternatives.
- Region 5 will work with IEPA to work through analytical methods as they arise.
- Region 5 will work with IEPA staff to use GIS to visualize and analyze sediment data for sites on the Chicago River waterways.

6. **Oversight Arrangements** - USEPA needs to ensure the effective use of Federal funds. The role of oversight is to provide the parties to the agreement knowledge that a task has been completed, is of good quality and is in conformance with the applicable law and regulation. Oversight will focus on identifying and solving problems. IEPA and USEPA agree to quickly escalate issues so that they are resolved in a timely manner.

- a. **Water Pollution Control Program** - The reporting mechanisms for the water pollution control programs are tied to the specific activity subjected to oversight. Some of these mechanisms have matured and are serving the needs of the oversight process quite well. Others are in stages of redevelopment and will continue to be reviewed and modified to better serve the needs of the party.

**Grants/State Revolving Fund** - Regional staff will conduct regular SRF Program Evaluation Visits and Post Award Monitoring Visits. Ample notice will be given to the State to ensure that the necessary files and program records can be made available to Regional staff.

**NPDES Permits** - As in past years, agreement has been reached to eliminate the formal pre-issuance review of each major permit. The current program involves staff

to staff discussions and problem resolution before the drafting of an NPDES permit or modification. Conflict resolution procedures have been developed. The principal reporting system is the PCS. Region 5 and the Agency are negotiating a list of permits projected for reissuance for which USEPA would review prior notice. State will identify at least 5-10 facilities that Region 5 will work on with the State, including permits covering one or more of issues discussed below. The list of facilities will be agreed upon at the beginning of each year.

- Permits that implement approved TMDLs
- Permits for facilities in critical industrial sectors: power plants
- Permits for CSOs linked to water quality impairment
- Permits with toxicity
- Permits suggested by State
- Permits that have been expired for more than 5 years
- Permits for discharges with flows greater than 10 million gallons per day.

Region 5 will work with the State during the year to ensure the implementation of GLI, Whole Effluent Toxicity requirements correlated variances, CSOs linked to water quality impairment and TMDLs in the NPDES permits and in reducing the permit backlog.

Applications for modification of NPDES permits are supplied as received. As the permits are issued or modified, PCS is updated. Minor permit activity is also noted in PCS. Targeted watershed permit activity reporting will be in PCS also.

Inspection Program - The current system of providing USEPA with an inspection strategy and plan at the beginning of the year is satisfactory. No changes are anticipated at this time.

Compliance Monitoring and Enforcement - The current system is working well. USEPA and the Agency will continue to update oversight and coordination activities to reflect changing program priorities discussed in this document.

Nonpoint Source Management Program - Current program reporting requirements will be reduced to an annual basis in the conditions of the Section 319 Grant, utilizing the Grant Reporting Tracking System (GRTS).

Chicago River - Region 5 will provide direct assistance to this principal place and ensure wetlands work targeting.

American Bottoms - Region 5 will work with Regional Teams and the U.S. Army Corps of Engineers (St. Louis District Office) toward flood reduction and wetlands restoration. Region 5 will also investigate for a potential Class V project.

Quality Management Plan (QMP) - Region 5 will perform a periodic Management System Review to ensure that the State's quality system is operating in conformance with the approved QMP.

- b. Public Water Supply Program - The current process of providing periodic self-assessments on the negotiated PWSS program guidance will be continued. The Agency will continue work with the IDPH to report on NCWSs in the Annual Compliance Report.
- c. Groundwater Program - The current process of providing self-assessments will be reduced. Groundwater protection progress will be reported electronically to the Region.

## MULTIMEDIA PROGRAMS

### D. Toxic Chemical Management Program

1. **Program Description** - This program is focused on chemical emergency response and toxic chemical management.
  - **Chemical emergency response** - This program deals with preparedness and response to environmental emergencies such as spillage or sudden accidental release of hazardous substances. Appropriate and timely response to these incidents is a high priority for the Agency. The general authority and responsibility of the State administrative agencies to deal with disasters and emergencies is specified in the Illinois Emergency Management Act and Illinois Emergency Operations Plan. Under this plan, the IEPA is the lead State Agency for technical response to emergency events involving oil and hazardous material. The IEPA is also involved with the prevention of environmental emergencies. One means is by oversight of comprehensive chemical safety audits that are performed by facilities on chemical process operations. These audits are usually in response to a permit requirement or a court sanctioned consent decree negotiated to resolve a lawsuit filed by the State concerning a spill or release. Another means of prevention is through implementation of the Illinois Chemical Safety Act, which requires certain industrial facilities to develop and maintain chemical safety contingency plans and conduct periodic training for designated staff that deal with chemical emergency incidents..
  - **Toxic chemical management** - This program deals with toxic chemical risks that do not involve emergency situations. Such risks can result when humans or other living organisms are exposed to chemicals having toxic properties (causing cancer, birth defects, genetic damage, etc.). Managing these risks generally involves five steps:
    1. Awareness that exposures can or do occur;
    2. Assessment of the harm that can result;
    3. Selection of suitable mitigation methods;
    4. Method application to achieve risk reduction; and
    5. Public outreach/education as needed.

A wide range of commercial chemicals or products made with chemicals (e.g., lead-based paint) exhibit these toxic properties. In particular, chemical substances that are regulated under the federal Toxic Substance Control Act and, toxic chemicals subject to reporting under the federal Emergency Planning and Community Right-To Know Act form the core focus for this program. Integration and analysis of toxic chemicals information from other environmental protection programs is also a priority matter.

2. **Program Linkage to Environmental Goals/Objectives** - Over 60,000 chemicals are in commercial use in the United States. Many of the substances have toxic effects on humans and the environment. Unwanted exposure situations can occur in a myriad of ways from transportation accidents to spills at facilities, unsafe removal of hazardous

paints, unsafe removal of mercury containing devices, or bioaccumulation in sport fish that are caught and consumed. This program is designed to reduce excessive risks from toxic chemicals that are present in Illinois. This program also supports the work of media programs that are responsible for achieving clean air, land, and water.

<h2 style="text-align: center;">ENVIRONMENTAL GOAL</h2> <p style="text-align: center;">Adverse consequences resulting from toxic chemical releases are avoided, where possible, or otherwise minimized</p>	
<p style="text-align: center;"><u>Environmental Objectives</u></p> <ol style="list-style-type: none"> <li>1. Toxic chemical hazards will be reduced over the next five years.</li> </ol> <p style="text-align: center;"><u>Program Objective</u></p> <ol style="list-style-type: none"> <li>1. Emergency incidents are timely controlled and fully resolved within 180 days.</li> <li>2. Lead-based paint is safely removed from exterior surfaces of buildings and structures.</li> <li>3. Anglers and their families are timely advised regarding safe fish consumption levels.</li> <li>4. Annual toxic chemical releases will show a downward trend due to various forces and actions.</li> <li>5. Acceptable risk-based remediation objectives are achieved for 95 percent of clean-up projects.</li> </ol>	<p style="text-align: center;"><u>Environmental Indicators</u></p> <ul style="list-style-type: none"> <li>• Toxic chemical scorecard (annual amounts released and exposure potential, etc.).</li> </ul> <p style="text-align: center;"><u>Program Outcome Measures</u></p> <ul style="list-style-type: none"> <li>• Percents of incidents controlled and fully resolved in specified time.</li> <li>• Percent of removal sites that meet performance standards.</li> <li>• Percent of fish consumption advisories issued within same year that confirmation of problem waters occurs.</li> <li>• Annual amounts (lbs) of reported toxic chemical releases.</li> <li>• Percent of projects with acceptable risk-based remediation objectives.</li> </ul>

### 3. Performance Strategies

- Chemical Emergency Response - Appropriate response to environmental emergencies is among the highest priorities of IEPA and Region 5. Management of that response is conducted within the context of a larger disaster management framework involving all State agencies working with local and federal authorities.
  - a. IEPA will continue to operate a response system that has four principal components.
    1. Duty officers - In order to ensure IEPA capability to assess emergencies on an around-the-clock basis, the Office of Emergency Response (OER) maintains a duty officer system. Each of the eight volunteer duty officers are available on-call to the IEMA dispatchers during non-office hours for a week at a time. IEMA receives spill notifications on their toll-free hotline on a 24-hour basis

and also receives calls during non-office hours. The duty officer evaluates each notification and can contact an on-call OER staffer in each of three offices in the State (DesPlaines, Collinsville, and Springfield) for further technical advice or to request them to respond in person to an incident

2. Core response team - OER has professional staff that work full-time on responding to emergency incidents. This core response team is managed out of Springfield, but also has field staff in DesPlaines and Collinsville. Whenever possible, the IEPA dispatches these specially trained staff to handle emergency situations. This team also gives expert advice to other field operations staff and local officials that may have responded to an incident.
  3. Regional field personnel - Technical staff from the Agency's field offices are distributed in seven regions throughout the State and may be called on to respond to incidents when they either are closest or when individuals have unique technical expertise.
  4. Legal support - The IEPA has provided an attorney and part-time paralegal support of this activity. Various types of viable enforcement cases arise from these emergency situations.
- b. There are several efforts focused on the preventive aspects of emergency management that target one or more of the probable causative areas. The non-random or systemic causes can be reduced by focusing efforts to correct the root cause which may be traced to one or several operational, process design, maintenance or management deficiencies. OER has also begun systematically focusing more efforts recently on compliance efforts involving businesses which frequently report incidents. In the past, this type of approach had been limited to facilities which had very egregious incident histories.
1. Spill Compliance - Enforcement and compliance assurance tools are used to obtain more prompt and thorough cleanups. Facilities or entities which have a relatively high frequency of spills have also been targeted for increased scrutiny. Examples are anhydrous ammonia refrigeration releases, oil and fuel pipeline leaks, railroad locomotive spills and spills to surface waters. In addition to assuring objective evidence of remediation, a strategic focus of this effort is to encourage adoption of approaches to reduce the recurrence of these types of incidents.
  2. HAZOP studies- Another approach used by IEPA to address serious releases from technologically complicated process facilities is to require and monitor the conduct of detailed engineering studies of accidental chemical release potential. Such studies usually begin by identifying hazards for various failures in the processes that can result in chemical releases. Often a very detailed and systematic procedure called a Hazards and Operability Study, or HAZOP, is conducted. This approach has been most frequently used by IEPA

in an enforcement context as a stipulation of a consent decree. In other situations, such studies have been required as a permit condition.

3. PCB compliance assurance - More inspection work is being focused on facilities that have a greater probability of non-compliance based on experience in other state programs. Facilities built prior to the ban on PCBs that include but are not limited to, educational facilities, hospitals, state and local government facilities, electrical utilities, hazardous waste facilities, sand and gravel mines, sawmills, and oil production facilities will be among those targeted.
- c. IEPA has participated in development of area contingency plans for the Upper Mississippi River and local plans for the Quad Cities and St. Louis areas. It continues to participate in area planning and in FY 2003 will continue efforts in the Peoria area.
- d. Response planning and preparedness for terrorism and weapons of mass destruction incidents will continue to be a significant focus of emergency operations. The integration with other state agencies will continue and extend to the local level. Previous planning efforts have identified a key role for the IEPA emergency responders who participate as chemical experts in the three-state interagency response teams. Initial training constituting 167 hours of Hazardous Materials Awareness, Operations, Technician (A and B) and specialized counter-terrorism training has been completed and bi-monthly refresher training will continue on tactics, incident management, decontamination, detection instrumentation and other operational and safety procedures. Additional equipment is being procured and will be integrated into the operational plan. Procedures are being tuned by the teams to enable the state agencies to move from the usual coordinated role into an integrated response team model. The teams are further beginning to exercise with other responders including local, mutual aid and federal teams (National Guard CST and FBI).
- Toxic Chemical Management
  - a. Toxics release information (TRI) - IEPA will continue to prepare and publish the Annual Toxic Chemical Report which presents a compilation of toxics data filed (Form R) by specified facilities in Illinois. This information is also made available to and used for other programs and projects.
  - b. Toxics database integration - Conversion of TRI data to an Oracle-based platform has been delayed. In the interim, IEPA has worked with data system specialists at USEPA on using the federal TRI software.
  - c. Safe removal of lead-based paint - Focusing on removals from exterior surfaces and superstructures, IEPA will continue to explore a more efficient regulatory scheme that focuses on prevention rather than response to problems. IEPA



continues to respond to incidents where lead-based paint gets into the environment due to poor removal practices.

- d. Statewide fish contamination monitoring - IEPA will continue to participate, as appropriate, on the interagency group. Sport fish are collected each year and tested to determine if consumption is safe or if advisories should be issued.
- e. Geographic Initiatives - The IEPA will be part of a geographic focus for multi-media concerns for the following:
  - Participation in the USEPA's St. Louis Gateway initiative and the Greater Chicago initiative.
  - Sensitive Receptor Areas - The IEPA received grant funding for a special project to look at environmental hazards in areas around schools. We are into the third and final year of this project. This project is expected to evaluate ways of achieving enhanced protection for children that go to schools in high risk areas.

#### 4. Program Resources

- Chemical Emergency Response - Historically and practically the emphasis has been toward responding to emergencies, assessing the risks to human health and the environment, assisting local responders as appropriate, and assuring appropriate cleanup by the responsible party or with public resources when necessary. About 16 staff are devoted to response, subsequent compliance and enforcement, and HAZOP activities. These core staff are funded from non-federal sources. Other field staff that work in the Air, Land or Water Bureaus are funded from a mixture of sources that is addressed in their respective program performance sections.
- a. PCB Compliance assurance - The work will be performed through the Office of Emergency Response at IEPA. The Agency will devote 2.6 full-time equivalent headcount to inspectional and case development (about 37 inspections and 33 samples) at the anticipated federal funding level of \$150,000. Three personnel will be utilized on a part-time basis each. These staff will do TSCA part-time and emergency response, or spill follow-up, otherwise. IEPA will continue to utilize its Organic Chemistry Laboratory (Springfield) for securing and analysis of samples taken during compliance inspections. The Springfield laboratory has been evaluated and approved for PCB analysis by the USEPA, Region 5 office. A State Quality Control Officer has been designated within the Office of Emergency Response to assure that report format and contents are consistent with USEPA standards, and that all suspected violations are properly documented before reports are submitted to USEPA Region 5 for case review and development. Sample analysis quality will be assured by a review process as specified in the previously approved Quality Assurance Project Plan (QAPP). IEPA and Region 5 have been working on a revised QAPP. IEPA will finalize the TSCA PCB QAPP update within 60 days of receipt of final comments from USEPA on the draft.

- Toxic Chemical Management
  - a. Toxic chemical release information- This activity is funded entirely from State sources.
  - b. Toxic chemical database integration - To be determined.
  - c. Lead-based paint removal - This activity is currently funded entirely from State sources.
  - d. Sensitive receptor areas - Federal funding helps support this work.

## 5. Federal Role

- Emergencies - State emergency management is coordinated with federal capabilities in general through the Federal Response Plan. With respect to the technical aspects of environmental emergencies, state and federal efforts are coordinated in accordance with the Regional Contingency Plan for hazardous materials and with the Oil Pollution Act Area Contingency Plan for oil spills to surface waters. If the USEPA is notified of a release or other incident which might require an emergency response, it will notify the IEPA. The IEPA may request technical and/or enforcement assistance from USEPA if it is unable to adequately respond due to limitations on resources or authority. USEPA will respond if the criteria for a response action in the NCP are met based on manpower availability. USEPA agrees to notify the State of the intent to conduct an emergency response action prior to initiating on-site activities. In cases of extreme emergency, the USEPA will make a reasonable attempt to contact IEPA and will proceed as required to mitigate threats to the environment, public health and welfare.
- Toxic Chemical Management - Region 5 has a Toxics Program Section and a Toxics Reduction team. The Toxics Program Section (in WPTD) includes program activities for PCBs, the Toxic Release Inventory (TRI), and lead (Pb). The Toxic Reduction team is a cross-program/multimedia effort. The team's main activities for FY2003 are to address mercury, endocrine disruptor, lead (Pb), and the Great Lakes Binational Toxics Strategy. Region 5 will take the following actions relating to IEPA's program:
  1. Work with IEPA on identifying facilities for Region 5 TRI data quality reviews in Illinois, as well as other compliance assurance activities.
  2. Provide relevant information about control/regulation of lead-based paint removal.
  3. Continue dialogue with IEPA about strategies for dealing with endocrine disruptors.
  4. The TRI and TSCA Programs will play an advisory role on issues pertaining to EPCRA § 313 and TSCA whenever IEPA requests and address the following:

- The TRI and TSCA Programs will make sure that IEPA is updated on new regulations, policies, and guidance and Regional initiatives within the State of Illinois.
  - The TRI and TSCA Programs will provide IEPA technical assistance on EPCRA § 313 and TSCA regulations.
  - The TRI and TSCA programs will advise IEPA on EPA National and Region 5 priorities, goals, and enforcement strategies.
5. The Pesticides and Toxics Enforcement Section at Region 5 will:
- Assist IEPA with targeting for PCB inspections. Any tips or complaints will be forwarded to IEPA.
  - Maintain a data base of the inspection activities carried out by IEPA.
  - Review inspection reports and issue the appropriate enforcement action.
  - Provide oversight, technical assistance and outreach to IEPA and the regulated community.
  - Inform IEPA of any pertinent initiatives or training opportunities. Provide training to IEPA staff as needed.

#### 6. **Oversight Arrangements**

- Chemical Emergency Response - No formal arrangement has been used for this program. Coordination occurs through participation in the Region 5 Regional Response Team, of which USEPA is a co-chair. At this time, it does not seem necessary to change the working relationship.
- a. PCB Compliance assurance - Region 5 will provide oversight and make recommendations in the following areas:
  - Targeting facilities for inspection
  - Review inspection reports and provide comments when necessary so that IEPA can draft a final report that sufficiently addresses all potential compliance issues

IEPA will assure the following:

- The latest revision of the FIFRA TSCA Tracing system (FFTS) data entry form will be used for all PCB inspections. The properly completed form will be faxed or mailed to Region 5 within seven days after the inspection is completed. Inspection reports will be submitted to USEPA in a timely manner.
  - The TSCA PCB QAPP Update will be finalized within 60 days of receipt of final comments from USEPA on the draft.
- Toxic Chemical Management -
    - a. Toxics release information report - Not applicable since no federal funding is involved.
    - b. Toxics data integration - Based on grant arrangements.

- c. Lead-based paint removal - Not applicable due to the absence of federal funding.
- d. Sensitive receptor areas - Based on grant arrangements.

## **E. Innovative Protection**

1. **Program Description** - This program is comprised of regulatory innovation, pollution prevention and environmental education and assistance.
  - **Regulatory Innovation** - The IEPA is helping create opportunities for progressive companies and local governments to demonstrate better environmental performance. Specific projects are generated by sponsors that want to try some innovative ways of achieving continuous improvement. In particular, environmental management systems (aka ISO 14001) are often utilized by project sponsors as the driving mechanism. In addition, IEPA pursues innovation through joint projects with USEPA.
  - **Pollution Prevention** - The Agency's pollution prevention (P2) program is designed to promote P2 as the preferred strategy for environmental protection. Reducing pollution through the use of less-toxic raw materials, good housekeeping practices and cleaner production techniques is preferable to treating or managing it after the fact. The Agency's Office of Pollution Prevention (OPP) promotes P2 through a variety of educational, technical assistance and voluntary recognition programs. For example, OPP sponsors workshops and seminars that inform businesses and others about the latest P2 approaches and management tools. It also employs a staff of engineers and technical specialists that help businesses identify and implement P2 projects at their facilities. Finally, the Agency partners with business associations and environmental groups to provide recognition and support to facilities that adopt comprehensive P2 efforts.
  - **Environmental Education and Assistance** – The IEPA looks to improve awareness and understanding of environmental issues through education and outreach activities. The Agency's environmental education program, working in partnership with non-profit organizations and other governmental agencies, sponsors educational programs and exhibits; conducts educator training workshops; provides summer internships for students; and hosts an interactive Internet site to educate children about environmental protection. The Office of Small Business (OSB) provides resources and assistance to help small businesses comply with environmental regulations through toll-free telephone and online helplines; "plain language" environmental factsheets and guides; speaking engagements at local business organizations and trade associations; and outreach activities and projects.
2. **Program Linkage to Environmental Goals/Objectives** - Environmental performance at some business and other facilities in Illinois can be positively impacted by non-regulatory influences. This program is designed to help generate environmental progress using practices that are not grounded in the traditional environmental regulatory system. The following goals and objectives reflect this perspective.

# ENVIRONMENTAL GOAL

Environmental improvements will result from voluntary actions being taken by businesses, communities, and the public

<p><u>Environmental Objectives</u></p> <ol style="list-style-type: none"> <li>1. Better environmental performance is demonstrated over the next four years by participants in non-regulatory, structured situations.</li> </ol>	<p><u>Environmental Indicators</u></p> <p>Documented performance by participants.</p>
<p><u>Program Objective</u></p> <ol style="list-style-type: none"> <li>1. Majority of pilot innovation projects undertaken are fully or partially successful (i.e. demonstrates new practices/approaches).</li> <li>2. Facilities accepted for the "National Environmental Achievement Track" (NEAT) (sponsored by USEPA in partnership with states), meet performance expectations for continued participation.</li> <li>3. Between 15-20 IEPA-trained student interns are placed in the field to work on P2 projects during the summer and more than 50 percent of the facilities receiving assistance are implementing a student recommended P2 project.</li> <li>4. More than 100 P2 site visits are conducted by IEPA technical specialists each year and at least one recommended P2 project is implemented by surveyed facilities.</li> <li>5. One or more quality P2 recommendations are provided in 20 percent of the regulatory field inspections by 2004.</li> <li>6. Facility P2 efforts increase during 2003 to 2005 through voluntary recognition and award programs.</li> <li>7. Small businesses are making changes or improving performance as a result of IEPA compliance assistance activities.</li> <li>8. Small business awareness and use of IEPA telephone Helpline increases by 10 percent each year.</li> <li>9. Use of IEPA educational materials increases by 10 percent each year.</li> </ol>	<p><u>Program Outcome Measures</u></p> <p>Projects that are undertaken will be evaluated to determine if they are successful, partially successful, or not successful.</p> <p>Percent of participating facilities that satisfy criteria for continuing in NEAT each year.</p> <p>Number of IEPA student interns placed in the field each summer and percent of facilities implementing a student recommended P2 project, including amount of emissions/waste reduced.</p> <p>Number of P2 site visits conducted by IEPA technical specialists and percent of surveyed facilities implementing at least one recommended project.</p> <p>Percent of field inspections including a P2 recommendation and percent of surveyed facilities implementing at least one recommended project.</p> <p>Percentage increase in the number of facilities participating in voluntary recognition and award programs.</p> <p>Percent of surveyed respondents indicating compliance-related changes were implemented as a result of IEPA outreach and assistance.</p> <p>Percentage increase in Helpline usage.</p> <p>Percentage increase in the number of educators requesting educational materials.</p>

3. **Performance Strategies** - The following action plan will be pursued for these special activities:

- **Regulatory Innovation**
  - a. **EMS agreements** - Two EMS agreements with cooperating companies have been executed to pilot test specific regulatory innovations. IEPA will work on statutory regulatory changes to make these agreements align better with USEPA's performance track program.
  - b. **XL projects** - Implementation has begun for two projects in Illinois.
  - c. **Performance Track Program** - Illinois has thirteen participants in this program sponsored by USEPA.
  - d. **ECOS/EPA innovation agreements** - IEPA has received approval for four projects. Implementation will continue during FY03 for these projects.
  - e. **State Pilot Innovation Grant** - IEPA submitted a grant proposal to USEPA in August 2002. If IEPA's proposal is selected, project implementation will begin in the second half of FY03.
- **Pollution Prevention**
  - a. **Educational Outreach**- OPP will sponsor at least three workshops in different areas of the state to promote P2 concepts to industrial and other facilities. OPP will create an email distribution list for businesses to more effectively disseminate new developments in P2 techniques and approaches, and continue to update information on its website.
  - b. **Technical Assistance** - OPP will provide on-site technical assistance to over 100 facilities to help them identify and implement P2 measures. OPP will recruit, train and place 15-20 student interns at selected Illinois facilities to work on P2 projects during the summer. OPP will partner with the Illinois Waste Management and Research Center to provide special assistance to printed wire board facilities in the Chicago metropolitan area. Finally, OPP will continue to extend its technical assistance to non-industrial sources, with a special emphasis on school and government facilities.
  - c. **Regulatory Integration** - OPP will work with the media programs to implement at least three targeted initiatives that provide P2 assistance to a specific industrial sector, type of generator or geographic area that can benefit from P2 activities. OPP will continue to provide training to regulatory staff on P2 techniques and practices for selected industrial processes. OPP and BOL will conduct a P2 training workshop for site remediation staff in the fall. We also will work with the Division of Legal Counsel to finalize a strategy for promoting P2 site assessments as a supplemental environmental project in enforcement cases.

- d. Voluntary Initiatives - OPP will provide technical assistance to facilities participating in the Metal Finishing Strategic Goals Program, Tri-County *Green Matters* Program and Department of Defense/Illinois Environmental Partnership. OPP will complete revisions to the Agency's voluntary P2 program and initiate process to recruit facilities to participate.
- Environmental Education and Assistance
  - a. Environmental Educator Training - The IEPA will present at least two teacher workshop for the Agency's 5<sup>th</sup>/6<sup>th</sup> grade education packet *Environmental Pathways – Youth Investigating Pollution Issues in Illinois*. The IEPA will also co-sponsor at least one professional development training workshop for non-formal educators.
  - b. Education Partnerships – The IEPA will actively pursue partnerships with external public groups (other state agencies, not-for-profits and USEPA Region 5) and the private sector to develop cooperative environmental education programs.
  - c. Educational Public Outreach - The IEPA's educational materials and resources will be promoted at educator conferences. New material will be added to the Envirofun web site. Articles pertaining to current environmental education activities will be submitted to various publications.
  - d. Environmental Helplines - The Office of Small Business (OSB) will continue to manage the telephone and online helplines, which offer small businesses and other constituents a non-threatening method to obtain answers to environmental regulatory questions. OSB will directly answer routine questions and work closely with Bureau staff to answer technical and complex questions.
  - e. Regulatory Guides for Small Businesses - It is anticipated that four new guides covering various subjects relevant to small businesses will be prepared. A multi-media compliance checklist for small businesses will be developed.

#### 4. Program Resources

- Regulatory Innovation - About 2.0 work years are supported by federal and state funding.
- Pollution Prevention – The IEPA will support 12.5 work years with federal and state funds.
- Education and Assistance – The IEPA will use state funds to support 1.0 work year for education and 3.0 work years for small business assistance.



## 5. Federal Role

- Regulatory Innovation- Region 5 supports and works with IEPA on regulatory innovation projects and programs. For IEPA's EMS agreement projects, Region 5 participates in the review and development of the EMS agreement project, when requested. This may include technical support and program and policy interpretation. If necessary, the Region will undertake actions to ensure the projects satisfy the State's delegation responsibilities.

USEPA manages several national programs promoting innovation. They are Project XL, National Performance Track Program and the Strategic Goals Program for Metal Finishing. Each program requires the participation and support by the IEPA for its implementation. IEPA is an active team member for the two XL projects located in IEPA. USEPA will implement the project and develop documents or other mechanisms necessary for implementation. IEPA will provide input and consultation as well as support the data collection and evaluation elements of the projects. The National Performance Track Program is managed by USEPA. This program requires the State's participation for compliance screen, review of business' self certification, site visits, and recommendations. The Strategic Goals Program for Metal Finishing is coordinated at a national level and technical and administrative support is provided at the regional level. Since delegation responsibilities of POTWs reside with the State, IEPA is a critical member and supporter of the program.

Region 5 manages the ECOS/EPA innovation agreements, ensuring involvement and coordination of national program offices. USEPA establishes the teams and works directly with IEPA on early consultation and discussions regarding each proposal. Together, Region 5 and IEPA establish the schedule for each project and commit to working cooperatively on resolving issues and providing information.

- Pollution Prevention - Region 5 supports IEPA's efforts to advance pollution prevention activities within regulatory programs and voluntary programs. We will continue to offer funding assistance to the State through the Pollution Prevention Incentives for States grant program and explore other funding options for innovative P2 activities. In addition, Region 5 will participate in the following:
  - Continue to chair and facilitate cooperation among stakeholders in the Greater Chicago Pollution Prevention Alliance.
  - Continue to co-chair the Illinois Department of Defense P2 Partnership.
  - Support and promote voluntary programs that reduce pollution at the source, such as the Energy Star and WasteWise programs.
  - Disseminate pollution prevention information, especially through USEPA's support of the Pollution Prevention Resource Exchange (P2Rx).
  - Support pollution prevention sector initiatives with metal finishers and printed wire board manufacturers.

- Education/Assistance - IEPA and USEPA will continue to work together on educational conferences and share information on a variety of education topics.

6. **Oversight Arrangements**

- Regulatory Innovation - Based on grant arrangements.
- Pollution Prevention – No oversight arrangement is anticipated.
- Education/Assistance - No oversight arrangement is anticipated

## **ATTACHMENTS**

- Listing of Funding Sources
- Summary Report for FY 2003 PPA Focus Group Discussions
- Listing of Program MOAs and MOUs
- Reporting Requirements Inventory
- Dispute Resolution Process
- Program Outputs

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## LISTING OF FUNDING SOURCES

- A. The FY03 federal performance partnership grant to Illinois EPA includes the following programs for which this agreement serves as the program commitment (e.g., work plan):
1. Air pollution control program  
(CAA, Sec. 105 and CAA, Sec. 103 (PM2.5 Monitoring))
  2. TSCA compliance assurance
  3. Hazardous waste management program
  4. Underground injection control program
  5. Water pollution control program (CWA, Sec., 106)
  6. Public water system supervision program
- B. For the following categorical grants to Illinois EPA, this agreement also serves as the program work plan:
1. CERCLA implementation support (CORE)
  2. Base program funding for nonpoint source control activities  
(CWA, Sec. 319)
  3. Base program water quality management planning activities  
(CWA, Sec. 604(b) and 205(j))
  4. State revolving fund administration funding  
(CWA, Sec. 603 (SDWA, Sec.1452)
  5. Air pollution program (CAA, Sec. 103))
- C. For the following federal grants to Illinois EPA, this agreement provides an overall strategic framework and, in some cases, implementation provisions that work in concert with the requisite project-specific work plans that remain in effect:
1. TSCA multi-media grant project (Sensitive Receptor Areas)
  2. CERCLA pre-remedial support
  3. CERCLA site-specific projects
  4. Funding for nonpoint source projects (CWA, Sec. 319)
  5. Research and demonstration funding (CWA, Sec. 104(b)(3))
  6. Operator training funding (CWA, Sec. 104(g))
  7. Areawide Agency water quality management planning  
CWA, Sec. 604(b) and 205(j))

## SUMMARY REPORT FOR FY 2003 PPA FOCUS GROUP SESSIONS

For the FY2003 PPA, IEPA and Region 5, USEPA held four focus group discussion sessions with interested stakeholders. The purpose of these sessions was to promote public involvement and review of the joint priorities, goals and objectives, and performance strategies. This report presents a summary of the discussions and identifies issues, concerns and suggestions provided by the stakeholders. IEPA's responses are also represented for the record.

### Business Interests Session

Prior to this session, the participants were sent a draft PPA for review. Six persons from companies and five staff from associations took part in the session held on October 1, 2002. These persons represented 7 different businesses (see attached roster).

The discussion is summarized as follows:

1. Renee Cipriano made brief opening remarks.
2. Open discussion session
  - a. DMR filing with State and Region 5 – Agreed to language appears in clean water section (pg 74)
  - b. Form R filings – They would like to look into stream-lining the filing process here too. Idea would be to only file reports with USEPA and have that satisfy filing for State.
    - Response – Federal law (EPCRA) sets forth the filing requirements. Electronic filing has reduced the paperwork burden. However, IEPA would be willing to setup a joint workgroup to consider another approach.
  - c. Regular dialogue sessions – It may be helpful to have periodic “heads up” sessions to identify emerging issues. The contact person for business is Mark Beal.
    - Response – The new Division of Environmental Outreach is tasked with getting better input from stakeholders.
  - d. Clean Water issues
    1. TMDL situation – Concern about point vs nonpoint sources and relative tradeoffs. They want to stay tuned into emerging developments.

- Response – IEPA has gotten some criticism about being too slow but we want to do a good job
2. Renewal of NPDES for impaired waters – How is this done if there's not any TMDL?
    - Response – IEPA must show that discharge won't contribute to further impairment.
  3. 303 (d) listing – Question about Illinois listing the Mississippi River when other states didn't. Where is the uniformity and consistency for permittees?
    - Response – USEPA needs to develop guidance for these “shared waters”.
  4. Beneficial uses – What is the agency's proposal?
    - Response – IEPA prefers having legislation to fix this situation. Water can share this approach with the business groups.
- e. Emergency response procedures – The members are satisfied with how things are being done.
- f. Clean Air issues
1. Construction permits – What does the USEPA require? Facilities are authorized to operate under construction permits but don't have Title V approval. Question raised about parallel processing of state permit and Title V modification.
    - Response – We are not sure it saves resources to operate differently. We are focused on initial round of Title Vs as a commitment to Region 5 and resource constraints are a problem. We are not sure about efficacy of the parallel processing idea.
  2. Title V fees – They are still waiting for information on how more finding will be used. Can IEPA work smart; i.e., have facilities drafting their own permits for the Agency to review. They don't think that “fast track permit” make sense.
    - Response – None recorded.
  3. MACT implementation – What are facilities supposed to do? They need guidance from the Agency.
    - Response – IEPA got blindsided too. We may get information from discussions at the ECOS meeting or via STAPPA.
  4. VOM emission reduction credits – They are interested in working with us on some better ways to codify these ERCs.

- Response – Need a separate discussion to go over options and what we have looked into.
5. Environmental security – How do we coordinate with multiple players, including local governments?
    - Response – We need to touch base with interests as these things start to unfold.
  6. Regulatory innovation – IEPA may want to work with them on better alignment of State's program and the USEPA's Performance Track program.
  7. Lockformer/water supply problems – Growing interest as an air issue too.

### Public Interests Session

Prior to this session, the participants were sent a draft PPA for review. Sierra Club was the lead group for arranging this session. Thirteen persons took part in the session held on October 4, 2002 in Chicago. These persons represented twelve organization (see attached roster).

The discussion is summarized as follows:

1. Renee Cipriano and Cheryl Newton provided some opening remarks.
2. Open discussion session
  - a. Clean Air issues
    1. Section 9/10 process for power plants report and proposed rules. The federal proposals won't get the pm 2.5 standard addressed.
      - Response – Power plant reductions are part of the PM solution. We must also look at diesel engine controls (retrofit). Voluntary actions, such as renewable energy works, counts too.
    2. EPA's enforcement is declining so what is State doing in this arena? It would be helpful to know about enforcement case referrals that are accepted by the AGO. SEPs seen as an opportunity for doing diesel retrofits. Some wonder about lack of public involvement in SEPs.
      - Response – We participate in the national enforcement initiatives. VN process under Section 31 has improved things. Number of orders are up. May want to look at CCAs and better tracking and response. NCAs are another aspect of what's happening. Our new ACES data system will make information readily available. We are interested in general ideas (model programs) for SEPs that could be pursued.



3. Voluntary programs, like Ozone Action Days, are successful but now there are more PM problem days. Seeing a delay in analytical results for PM sample collections. State needs continuous PM monitoring and to get information to the public.
    - Response – We do need to do more.
  4. They are glad that on-board diagnostics testing is going to pass/fail.
  5. 8 hour nonattainment area – Should be larger (10 county) than the current 1 hour area.
  6. How is mercury case-by-case MACT being done?
    - Response – We are doing MACT (90-95%) for power plants. It is not clear yet how we're going to do all the others.
- b. Waste management issues
- e. EPA's Resource Conservation Challenge (Sept. 9, 2002) has 35% recycling goal for 2005. What about the Illinois goal of 25%?
    - Response – None recorded.
  - f. Need more HHW collections.
    - Response – SEPs are another source of funds for these collections. We are looking to focus on permanent sites since so much more is collected.
  - g. Question about status of major landfill sites.
    - Response – Capping is done at Paxton II and leachate collection is working. We are now looking at Paxton I for capping.
  - h. Funding for site remediation – Illinois FIRST has \$50M for 39 old landfills. SRAPL list is gone now so it's hard to track projects. We should look into old site insurance as a source of funding.
    - Response – IEPA's website has a listing of what's being worked on.
- c. Clean Water issues
1. Question about USEPA's guidance and whether Illinois has followed up on some water quality violations for discharge permitting. IEPA also seems to give disinfection exemptions for any small stream.
    - Response – Fox River is an example of taking a water quality focus.
  2. Unauthorized discharges from septic systems – Can the IDPH do a better job with these things?
    - Response – We can look into options.

3. Question about chlorophyll monitoring (pg 100)
    - Response – Explained our activities.
  4. Question about CAFU permits – do 1000 or greater animal units have to get permits?
    - Response – Yes
  5. Question about review of NPDES permitting by Water Division, Region 5.
    - Response – Explained the arrangement we have with Region 5.
  6. Concerns were expressed about the current stormwater general permit and if it protects some streams.
    - Response – We can work with interested persons on this issue.
  7. Question about TMDLs – are sediments addressed?
    - Response – Brief description give of how TMDLs are being developed.
  8. Point made that water section is 2002 language since discussions with Region 5 are on a separate track. BOW will send new language to everyone in the next week or two.
  9. Question about scenario development for TMDLs and stakeholder input needs.
    - Response – Public input is available at three points in the development process.
  10. Question about pesticide spraying to control mosquitos/West Nile virus.
    - Response – IDPH is aiming at larvae with pesticide spraying except in Cook County where adult mosquitos are trouble. IEPA is on an interagency task force and provides information about used tire controls.
- d. Final remarks – November 1, 2002 will be the cutoff for getting written comments.

## Local Government Interests

Two sessions were held with local government interests. The first session was held on October 3, 2002 in Chicago and was hosted by the Northeast Illinois Planning Commission (NIPC). Six persons took part in this session representing four local agencies (see attached roster). The second session was held on October 16, 2002 in Bloomington. IEPA presented the draft PPA to the Public Works Committee of the Illinois Municipal League. No roster of attendance was provided for this session.

The discussions are summarized as follows:

### Session at NIPC (Chicago)

1. Roger Kanerva provided opening remarks.
2. Open discussion session
  - a. NPDES approvals – IAWA is not supportive of getting delegation for the pretreatment program but does favor taking on sludge management.
  - b. BOW representative explained the proposed municipal strategy under the joint priorities.
  - c. Question raised about the Lower Des Plaines use attainability analysis.
    - Response – IEPA’s proposal will be sent to the advisory group by the end of the year.
  - d. Question asked about using the sustainability perspective. Chicago Wilderness is a working model of land protection.
    - Response – USEPA has set forth sustainable land and communities/ecosystems as goals in the second strategic plan. It is also putting emphasis on watersheds and infrastructure for water.
  - e. Concern was raised about the phase II stormwater requirements and how to implement locally. What about using S.319 funds for this program?
    - Response – Model plans are being developed. Not sure about using 319 funding. States are showing support to Congress for CWA authorizations.
  - f. Metro Mayor’s Association is seeking grant funding for air quality work.
  - g. BOA representative made some points about reauthorization of Transportation Equity Act providing some opportunities and a renewable energy act that

would promote green power and alternative fuels. IEPA also wants to pursue retrofit of diesel vehicles like school buses.

- h. Update was provided by IEPA on FPA dialogue. Director has committed to continuing these discussions. Question asked about role played by Region 5 in finding out how other metro areas are handling this issue.
  - Response – Water Division at Region 5 will be consulted. [Update – Mike Lin is the contact person at (312)886-6104.]
- i. Statement made about doing an integrated land use and transportation plan. Locals are partnering with DCCA on studying “marketsheds”.
- j. BOL representative gave an update on the Downers Grove/Lisle groundwater situation.

#### Session with IML (Bloomington)

IEPA attended the Public Works Committee of the IML. Twenty-two people were in attendance. IDOT, IML, municipalities, and consultants were represented on the committee. IEPA described the PPA document and its purpose in some detail including the joint priorities with USEPA on page 14. The committee asked questions about the municipal strategy and a discussion followed talking about municipality dollars and people resources. There were then questions about the March 10 NPDES deadline and questions concerning our implementation of those deadlines and possible municipal lawsuits. The final item discussed was brownfield municipal grant dollars and the possible extension of that program.

FY2003 PPA Meeting  
IEPA and Region 5, USEPA  
Business Interests Groups  
October 1, 2002

NAME	REPRESENTING	PHONE NUMBER
Laurel Kroack	BOA	(217) 785 4140
Bob Elvert	Exxon Mobil	815.521.7580
John Foster	CF Industries / CICI	847-438-9500
Bill Compton	Caterpillar	309-675-4105
Maria Willhite	IEPA - BOW	217-782-1654
Kathy Hodge	IERG	217-522-5512
Pat Mardner	IERG / ISCC	217 522 5512
Bill Child	IEPA / BOC	217/785-9407
Bernie Kilian	IEPA	217-782-0547
Tom Walters	Caterpillar	217/753-8050
Joseph Svoropa	IEPA	217-782-5544
David Sylstra	IPC	217 544 7404
Bill Murray	Spld CWLP	217-789-2416x501
Julie Woodward	DOW	815-423-2635
Alec Messina	IERG	217 / 522-5512
Kevin Greene	IEPA/OPP	217/785-0833
Mark Biel	CICI	217/522-5805
Renee Cipriano	IEPA	217-782-9540
Roger Kenner	IEPA	217-785-5735
Bill Smith	IEPA	217-557-7824

FY2003 PPA Meeting  
IEPA and Region 5, USEPA  
Local Government Group  
October 3, 2002

NAME	REPRESENTING	PHONE NUMBER
Roger Kanerva	IEPA	(217) 785-5735
CHERYL NEWTON	U.S. EPA	312-353-6730
Dennis Wysocki	U.S. EPA	312-886-0228
Judy Beck	US EPA	312-353-3849
Sandi Radtke	NIPC	312 454 0400
Bill Child	IEPA	217-785-9407
Toby Frevert	IEPA	217-558-2012
Bernie Killian	IEPA	217-782-0547
DAVID KOLAZ	IEPA	217-785-4140
JOSEPH SVOBODA	IEPA	217-782-5544
LARRY COX	DOWNERS GROVE SAN DIST	630-969-0664
Dennis L. Duffield	City of Joliet	815-724-4230
Dennis Drcher	NIPC	312/454-0400
Bon Thomas	NIPC	312/454-0400
Low De Rue	2000 Sandy Env.	312 603 8250
Bill Seith	IEPA	217-557-7824

FY2003 PPA Meeting  
IEPA and Region 5, USEPA  
Public Interests Groups  
October 4, 2002

NAME	REPRESENTING	PHONE NUMBER
Roger Kuenrva	IEPA	(217) 785-5735
Toby Frevert	IEPA	217-558-2012
KOTIN GREENE	IEPA	217-785-0833
Dana Savakis	HealthCare w/o Harm	312-738-6203
KEITH HARLEY	CHICAGO LEGAL CLINIC	(312) 726-2938
Richard Acker	Openlands Project	(312) 427-4256 x387
Beth Wentzel	<del>Openlands</del> Prairie Rivers Network	217-344-2371
Albert Ettinger	ELPC	312 795-3707
Jeana Dwan	Lake County Conserv. Alliance	1-847-872-1707
CHERYL NEWTON	U.S. EPA, Reg. 5	312-353-6730
DENNIS WYCHOCKI	U.S. EPA, Reg. 5	312-886-0228
STACE DARIN	Sierra Club	312-251-1680
BETSY VANDENCOOK	<sup>COALITION</sup> CHICAGO RECYCLING	312-996-3088
JOSEPH SVOBODA	IEPA	217-782-5544
Bill Seith	IEPA	217-557-7824
Brian Motcalf	<sup>Research</sup> Illinois Public Interest Group	312-364-0096
Jonathan Goldman	Illinois Environmental Council	217-544-5954
Patricio Silva	Natural Resources Defense Council	(202) 285-2398
Brian Hebaszewski	ALA Metro Chicago	312 243-2000
DAVID KOLAZ	IEPA	217-785-4140
Bill Child	IEPA - BCL	217-785-9407

**FY2003 PPA Meeting  
IEPA and Region 5, USEPA  
Public Interests Groups  
October 4, 2002**

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## MASTER LIST OF PROGRAM MOA/MOUs

### **Clean Air Program**

1. Illinois Department of Commerce and Community Affairs (DCCA) - This Agreement defines the responsibilities of DCCA and the Illinois EPA in developing and implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program which is required under Section 507 of the Clean Air Act.
2. Cook County Department of Environmental Control - This agreement identifies the responsibilities of the County in the implementation of the air monitoring network and filter weights analysis at the Robbins Incinerator.
3. Illinois Department of Commerce and Community Affairs - The agreement identifies small business activities for which DCCA is responsible on an annual basis.
4. Illinois State University - The University will provide population projections to the Agency (Agency intergovernmental agreement split between the Bureaus of Air and Water).
5. Cook County Department of Environmental Control - This agreement identifies the annual activities associated with the installation and operation of the monitoring network and filter weights analysis at Robbins Incinerator.
6. Illinois Department of Agriculture - The annual agreement identifies Stage II inspections at gasoline dispensing stations that will be conducted by the Department.
7. Title V Agreement - The agreement will establish a working arrangement with USEPA regarding the Title V permit program.
8. Transportation Conformity Agreement - The agreement will be negotiated with the Chicago Area Transportation Study and Illinois Department of Transportation regarding the Clean Air Act requirements to ensure transportation-related projects conform to state implementation plan.
9. Compliance Plan - An annual agreement with USEPA to implement compliance and enforcement issues within the context of the enforcement response plan to be finalized with USEPA.
10. Cook County Department of Environmental Control - This agreement defines the responsibilities of Cook County in the implementation of Section 105 Clean Air Act environmental protection programs.
11. Illinois Department of Commerce and Community Affairs - The agreement which identifies the responsibilities of DCCA associated with the Illinois/India Environmental Initiative grant.
12. City of Chicago - This agreement identifies the annual responsibilities of the City in accordance with Section 105 of the Clean Air Act.

## **Land Program**

1. Superfund Memorandum of agreement between the IEPA and USEPA. This agreement establishes procedures to designate "lead agency" and "support agency" roles for all Superfund activities including federal facilities oversight.
2. In 1993 USEPA and IEPA amended the Superfund Memorandum of Agreement. Addendum No. 1 was added. This amendment establishes collaboration between USEPA and IEPA, which will guide us in dealing with sites which fit the Brownfields definition.
3. In 1995 and 1996 the TACO Memorandum of Understanding was developed under the RCRA Memorandum of Agreement. The amendment is intended to encourage voluntary environmental cleanup, and establish how IEPA intersects with USEPA and to recognize the IEPA use of the Tiered Approach to Corrective Action Objectives for sites subject to RCRA, LUST or the TSCA.
4. RCRA Memorandum of Agreement between IEPA and USEPA. This agreement establishes policies, responsibilities and procedures for the State of Illinois Hazardous Waste Management Program. This MOA further sets forth the manner in which the State and USEPA will coordinate in the State's administration of the State Program and pending State authorization revision.
5. The RCRIS Memorandum of Understanding is designed to ensure that data integrity is preserved, and to provide sufficient data to adequately administer and properly oversee the RCRA program.
6. The Underground Injection Control (UIC) Memorandum of Agreement establishes policies, responsibilities and procedures pursuant to the Safe Drinking Water Act for the State of Illinois UIC program.

## **Clean Water Program**

1. Delegation Agreement with the USEPA for management of the construction grant program under the Clean Water Act.
2. Operating Agreement with the USEPA for management of the Clean Water State Revolving Fund under the Clean Water Act.
3. Operating agreement with the USEPA for management of the Drinking Water State Revolving Fund under the Safe Drinking Water Act.
4. Memorandum of Agreement with the Illinois Department of Agriculture (IDOA) for administration of containment regulations for agrichemical facilities.
5. Memorandum of Agreement with the IDOA for the administration of regulations for livestock management facilities and livestock waste handling facilities - pending.
6. Memorandum of Agreement with the Illinois Department of Public Health (IDPH) for regulation of private sewage disposal systems.
7. Delegation Agreement with the USEPA for management of the National Pollutant Discharge Elimination System permit program under the Clean Water Act.
8. Memorandum of Agreement with the IDPH for regulation of non-community public water supplies.
9. Memorandum of Agreement with the IDPH and the Illinois Department of Nuclear Safety (IDNS) regarding laboratory certification authority.

10. Memorandum of Understanding with the IDNS for the agronomic disposal of sludge.
11. Memorandum of Agreement with the IDOA for providing matching funds for Clean Water Act Section 319 grant program.
12. Memorandum of Agreement with the Illinois Department of Natural Resources (IDNR), IDPH, and IDOA for fish contaminant monitoring.
13. Memorandum of Agreement with the City of Chicago for Lake Michigan water quality monitoring.
14. Memorandum of Agreement with the Illinois Department of Transportation (IDOT).
15. Cooperation Working Agreement with IDOA regarding the Agricultural Land Preservation Policy.
16. Memorandum of Agreement with the IDNR regarding capital projects that may affect endangered species.
17. Interagency Agreement with the Historic Preservation Agency regarding permit activities affecting historic sites.
18. Memorandum of Agreement with the Corps of Engineers, IDOT, and IDNR for the dredge and fill program under future 401 and 404 of the Clean Water Act.

### **Emergency Management**

1. Letter of Agreement for Illinois Emergency Operations Plan
2. Agreement for Illinois Plan for Radiological Accidents
3. MOA for Spill Response on the Upper Mississippi River

## REPORTING REQUIREMENTS INVENTORY

### **General Grant Requirements (either grant by grant or combined under PPGs)**

<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
Financial Status Report	40 CFR 31.41 40 CFR 35.6670	Annual, and at termination of grant, unless specified otherwise, but not more frequent than quarterly. Annual reports due 90 days after the end of the grant year. Final reports due 90 days after the grant termination date. Quarterly reports due 30 days after the reporting period.	For PPGs and Non-PPG grants, annual FSRs (and/or 90 days after grant termination) are required, unless quarterly reports are required by special condition to a grant.
MBE/WBE Report	40 CFR 31.36(e) 40 CFR 35.6665	Annual, with the exception of quarterly reports for Superfund cooperative agreements.	Goals are established annually for all grants. Goal attainment reports are required annually, with the exception of quarterly reports for Superfund cooperative agreements.
Proper Inventory	40 CFR 31.50(5)	90 days after grant termination	Only applicable to federally-owned property

## Bureau of Air

Reporting and Program Performance Submissions			
REPORT/PERFORMANCE SUBMISSION	SOURCE	TIME FRAME	COMMENTS
PSD draft and final permits	PSD authority; delegation MOU	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
New Source Review draft and final permits	SIP	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
Draft and final FESOPs	SIP	At notice and at issuance	Submitted in hard copy and electronically in Lotus Notes via the Internet
Title V draft, proposed, and final permits  • Number of operating permits issued	Program approval	At notice and at issuance  Annually	Submitted in hard copy and electronically in Lotus Notes via the Internet  End-of-the-Year Grant Report
Title V: Numbers of: • New applications • Significant modifications • Early reductions of HAPs  By name of source: • Significant public interest • Fed. environmental justice concerns • Other than administrative changes • Sources where USEPA has expressed an interest or concern	MOA	Quarterly	Submitted during periodic telephone conferences with Region 5 staff
Title V source data	Program approval	On-going	Submitted electronically in through the AIRS database
RACT, BACT, and LAER source and control data	PSD authority; delegation MOU	Quarterly	Submitted electronically or in hard copy
MACT source and control data • Number implemented • Number of sources affected • Number of sources with operational controls in place	§ 112(l) delegation agreement	During MACT development and implementation	Submitted electronically via the AIRS database
Emissions Statement Status Report:  Statistical summary of emissions reports received and not received; running tally of emissions totals submitted by sources	SIP	Quarterly	Submitted in hard copy



<b>Reporting and Program Performance Submissions</b>			
<b>REPORT/PERFORMANCE SUBMISSION</b>	<b>SOURCE</b>	<b>TIME FRAME</b>	<b>COMMENTS</b>
Network Modification:  List of changes from previous year's ambient network	40 CFR 58.25	December	Included in cover letter to Annual Review of Ambient Network, above
Annual SLAMS Report:  Summary of the previous year's exceedances; certification of accuracy of the data	40 CFR 58.26	Annually	Submitted in hard copy; due July 1
Air Quality Data:  PAMS data already QA/QC'ed	40 CFR 58	Quarterly	Submitted electronically via the AIRS database; due 6 months following the end of the quarter
Air Quality Data:  NAMS/SLAMS data already QA/QC'ed	40 CFR 58	Quarterly	Submitted electronically via the AIRS database; due 3 months following the end of the quarter
Excess Emissions Report Summaries:  Facilities' summaries of their excess emissions as detected by CEMS/COMS; send summary of the reports submitted by the sources	Previous NEPPS element	Quarterly	Submitted in hard copy; due 60 days following the end of the quarter
Acid Rain CEMS audits:  Selected facilities audited during annual retest  <ul style="list-style-type: none"> <li>Report number of audits performed</li> </ul>	Title IV	Upon request; Summary annually  Annually	Submitted in hard copy   End-of-the-Year Grant Report
Asbestos:  List of addresses where inspections were made	Delegation agreement	Quarterly	Submitted electronically via disk; due 30 days following the end of the quarter
Vehicle Emission Test Reports:  <ul style="list-style-type: none"> <li>Number of tests performed</li> <li>Outstanding driver's license suspensions</li> <li>Station utilization rate</li> <li>Wait time statistics</li> <li>Waiver rates</li> <li>Compliance statistics</li> <li>Number and type of motorist telephone calls to hotline</li> <li>QA/QC highlights</li> </ul>	At USEPA's request	Monthly	Submitted via hard copy

**TOXIC SUBSTANCES CONTROL ACT (TSCA) PROGRAM**

<b>REPORT</b>	<b>SOURCE</b>	<b>TIME FRAME</b>	<b>COMMENTS</b>
Written Evaluation Reports	Grant Agreement/40 CFR 31.40	Semi-Annual	Region 5 notes that this replaced by the general, annual end of year report



## Bureau of Land

<b>UNDERGROUND INJECTION CONTROL PROGRAM REPORTING REQUIREMENTS</b>			
<b>REPORT</b>	<b>SOURCE</b>	<b>TIME FRAME</b>	<b>COMMENTS</b>
Significant Non-Compliance (Form 7520-2B)	40 CFR 144.8	Semi-annual	15 <sup>th</sup> of April and October to allow submittal to OECA by the 30 <sup>th</sup> of each reporting month
Exceptions List <ul style="list-style-type: none"> <li>• Compliance Evaluation</li> <li>• Permit and Area of Review</li> <li>• Inspections/Mechanical Integrity Testing</li> <li>• Non-compliance Report for non-major facilities</li> </ul>	40 CFR 144.8	Quarterly	Form 7520 is not used to report the information to the Region. The information is reported to the region electronically on a quarterly basis. Region V receives the information in a format that enables them to provide the required information to Headquarters. This arrangement has been agreed to by both Illinois and Region V.
Compliance rates with UIC permits, land ban petitions, and enforcement requirements	Management Agreement between Office of Water and USEPA Region 5		Includes those elements not covered under the Form 7520 reporting process. 98 percent is the target rate.

<b>COMMENTS ON USEPA (REGION 5) HAZARDOUS WASTE MANAGEMENT PROGRAM REPORTING REQUIREMENTS</b>			
<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
RCRAInfo Reports	RCRIS Memorandum of Understanding (MOU)	Daily and Monthly	Illinois EPA inputs data and maintains modules for which we are Implementor of Record (IOR). These modules include 1) Compliance Monitoring and Enforcement and 2) Permit.
Annual Self-Evaluation Report	Environmental Performance Partnership Agreement (EPPA)	Annually (at the end of the year)	This report is a summary of Illinois EPA's activities and performance under the RCRA Subtitle C portion of the EPPA. This report includes summaries of activities and performance under the various program initiatives. This report is used for discussion at the end-of-the-year meeting and as a basis for the performance evaluation of Illinois EPA's hazardous waste management program.

<b>COMMENTS ON USEPA (REGION 5) HAZARDOUS WASTE MANAGEMENT PROGRAM REPORTING REQUIREMENTS</b>			
<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
One page inspection summary form (or full inspection report – at inspector’s discretion)	CERCLA Off-Site rule	Inspection summary form (or full report) must be e-mailed to Region 5 within 7 days of inspection.	Region 5 will provide a blank electronic form to IEPA for IEPA inspectors to summarize off-site facility inspections. Region 5 can provide a listing of all Superfund “off-site” facilities in Illinois to the appropriate contact upon request.

Training reports and FOIA reports will be provided to Region 5 upon request.

<b>SUPERFUND COOPERATIVE AGREEMENT PROGRAM REPORTING REQUIREMENTS</b>			
<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
Semi-annual reporting	40 CFR 35.6650	Original requirement -- 30 days after Federal fiscal quarter. Approved deviation allows semi-annual.	Region 5 has received a deviation to move to semi-annual reporting. This applies to all States.
DOL Report Davis-Bacon Act	40 CFR 35.6665	Within 10 days of construction award.	Construction contracts only.
NTC Removals started	Section III-H of the USEPA Region V - Illinois EPA Superfund Memorandum of Agreement (SMOA)	Semi-annual	This requirement (and those that follow) may be met by a commitment to maintain the CERCLIS III data base. Once this data base is running for state data entry, Region 5 will consider requests to modify these reporting requirements to address this change.
Number of PAs/SIs	Section III-A of the SMOA	Semi-annual	Same as above.
RI/FS, RD and RA starts	Sections III-B, III-D, III-E of the SMOA	Semi-annual	Same as above.
RODs signed	Section III-C of the SMOA	Semi-annual	Same as above.
Construction Completions	Section III-E of the SMOA	Semi-annual	Same as above.
Enforcement Negotiations started	Section IV-C of the SMOA	Semi-annual	Same as above.
Settlements reached	Section III-C of the SMOA	Semi-annual	Same as above.

<b>UNDERGROUND STORAGE TANK (UST) PROGRAM REPORTING REQUIREMENTS</b>			
<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
Written evaluation reports	Grant Agreement/ 40 CFR 31.40	Semi-annual	Region 5 notes this is replaced by the end-of-year reports/self-assessments for EnPPA, PPG states.
Performance Measures Report	Grant Agreement	Semi-annual	Region 5 recognizes this as a "bean report," and will promote changes at the national level; however, until such time, a semi-annual report is still required.

<b>LEAKING UNDERGROUND STORAGE TANK (LUST) PROGRAM REPORTING REQUIREMENTS</b>			
<b>Report</b>	<b>Source</b>	<b>Time Frame</b>	<b>Comments</b>
Financial Status Report	Grant Agreement/ 40 CFR 30.52	Annual for Illinois	Region 5 requests annual FSRs for this program in Illinois.
Performance Measures Report	Headquarters	Semi-annual	A semi-annual report is required by April 30 <sup>th</sup> and October 31 <sup>st</sup> .
2002 Annual Report – LUST Program	IEPA	Annual	IEPA agreed to provide Region 5 with a copy of its annual LUST Program Report, when published.

## Bureau of Water

<b>SAFE DRINKING WATER ACT</b>			
<b>Safe Drinking Water Program</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
Safe Drinking Water Information System (SDWIS) Note: This is a data input requirement	40CFR 142.15	Quarterly	Database reporting that includes: PWS Inventory, Violations, Enforcement, Variance/Exemption
Annual Compliance Report (ACR)	SDWA amend. 1414(c)(3)(A)(I)	Annual	State distributes the report to the public. USEPA takes all of the State's annual reports and publishes a national report.
Annual Guidance requirements. The program guidance is incorporated by reference in the EnPPA. See Program description b, and oversight Arrangements b.	40 CFR 142.17	Annual	At least annual USEPA shall review the compliance of the State set forth in 40 CFR part 142, subpart B and the approved State primacy program.
Source Water Assessment Program Set Aside Report	Program Directive SDWA Section 1453	Annual	SWP Set-aside.
<b>Wellhead Protection Program</b>			
Wellhead Protection Status Report	SDWA 1428(g)	Biennial	Status report describing the State's progress in implementing the Wellhead Protection Program. Include amendments to the State program for water wells sited during the biennial period.

<b>CLEAN WATER ACT</b>			
<b>Watersheds and Nonpoint Source and Standards and Applied Sciences</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
305(b) Water Quality Report	40 CFR 130.8 and 130.10	Written report in even numbered years (e.g., 2002, 2004, 2006) and an electronic update of water quality data in odd numbered years (e.g., 2005, 2007)	Serves as the primary assessment of state water quality; leads to development of water quality management plans. Serves as the annual water quality report under 205(j). In even numbered years, draft report is due January 1; final report due April 1. In odd numbered years, electronic updates due April 1.
Section 205(j) certification	40 CFR 130.10	Annual	Will be replaced by the 305(b) report.
STORET/Ambient water quality monitoring (Note: This is a data base input requirement)		90 days	The State is required to store ambient water quality data in a suitable database, and eventually (within 90 days) transfer the data to STORET.
303(d) List	130.7(d) 130.0	Biennial, due October 1 of even numbered years.	Consists of a list of waters, pollutants causing impairments, and the priority ranking including waters targeted for TMDL development.
<b>National PCS Data base - All of the following relate to the Permit Compliance System (PCS) Update for Enforcement and Compliance and NPDES (Permitting) Programs as required by the PCS Policy Statement, Water Enforcement National Data Base (WENDB) and cited Regulations. They are data base inputs unless otherwise indicated. (Ongoing with timeframes as indicated).</b>			

<b>Enforcement and Compliance Assurance</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
Commitments Pre-treatment and Sludge Programs	Federal Rule Part 503 and 40 CFR Part 403 respectively	Data entry of Annual Reports from Municipalities with approved P/T programs	Federal Rule Part 503 sets minimum national standards.
		Quarterly entry of inspection data for categorical and significant industrial users	Update to Pretreatment Program Enforcement Tracking System (PPETS) for all approved pre-treatment programs
		Quarterly Report	Pre-treatment SNC for all major approved programs
Violation/enforcement/penalty data, which includes compliance schedules and their updates.	40 CFR 123.27	Ongoing in PCS manual reporting - semi-annual.	Administrative Orders Consent Orders Judicial Cases with Penalties concluded
Inspections	40 CFR 123.26	As conducted	USEPA reports State and Federal field efforts semi-annually to HQ.
<b>NPDES (Permitting) Support</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
Inventory data for major and minor dischargers	PCS QNCR/Moving Base Memorandum of Agreement (MOA)	Ongoing Quarterly to Region	State submits list of major dischargers annually as required in MOA. Updates of the major and minor dischargers are in PCS.
Permit limits	PCS, 40 CFR 122.44	Issuance/renewal/modification	All permits are required to have effluent limitations as specified in regulation. No specific reporting requirement.
Permit Issuance and Expiration dates	PCS, 40 CFR 122.46	Ongoing	Each permit is required to have specified duration.
Effluent monitoring data	PCS/DMR data 40 CFR 122.48	Ongoing, whether monthly, weekly, daily, grab, composite, etc.	As required by regulation, and permit specification.
Compliance schedules	PCS, 40 CFR 122.47	Varies-based on permit requirement	Permittees are required to submit progress reports if any compliance schedules are included in its permit. State reports status in PCS.

<b>Assistance Agreements/Grants</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
Water Project/Grant Progress and Performance Reports, including 104, 106, 205(j), and 319*	Grant Requirement 40 CFR 31.40 319's source is CWA 319(h)(11)	End of Grant or Budget/Project Period  Annual  *Semi-annual	Water Programs have numerous pots of moneys which are all covered by an end of grant, end of project reporting requirements (as noted under general grant requirements). When part of an EnPPA/PPG, these are combined with an overall end-of-year report; otherwise a separate report is provided. In general, all reporting has been reduced to annual or end of project.
Drinking Water/Clean Water SRF measures	Office of Water Core Performance Measures SDWA 452	Annual	Outlays Other core measures
<b>Great Lakes Program Office</b>			
<b>Report</b>	<b>Source</b>	<b>Timeframe</b>	<b>Comments</b>
Great Lakes Projects (Funded under Section 104) Progress Reports	40 CFR 31.40	Quarterly, Semi-annually, or annually, as determined by Program	Varies by project. Periodic progress reports and a final report are required.

## DISPUTE RESOLUTION PROCESS

IEPA and Region 5 will use an agreed upon dispute resolution process to handle the conflicts that may arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.

### A. Informal Dispute Resolution Guiding Principles

IEPA and Region 5 will ensure that program operations:

- Recognize conflict as a normal part of the State/Federal relationship.
- Approach disagreement as a mutual problem requiring efforts from both agencies to resolve disputes.
- Approach the discussion as an opportunity to improve the product through joint efforts.
- Aim for resolution at the staff level, while keeping management briefed. Seriously consider all issues raised but address them in a prioritized format to assure that sufficient time is allocated to the most significant issues.
- Promptly disclose underlying assumptions, frames of reference and other driving forces.
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.
- Document discussions to minimize future misunderstandings.
- Pay attention to time frames and/or deadlines and escalate quickly when necessary.

### B. Formal Conflict Resolution

There are formalized programmatic conflict resolution procedures that need to be invoked if the informal route has failed to resolve all issues. 40 CFR 31.70 outlines the formal grant dispute procedures. There is also an NPDES conflict resolution procedure. The Superfund Program sponsors an Alternate Dispute Resolution Contract that provides neutral third parties to facilitate conflict resolution for projects accepted into the program. These are all time-consuming and should be reserved for the most contentious of issues. For less contentious matters, we will use the following procedures:

1. Define dispute - any disagreement over an issue that prevents a matter from going forward.
2. Resolution process - a process whereby the parties move from disagreement to agreement over an issue.
3. Principle - all disputes should be resolved at the front line or staff level.
4. Time frame - generally, disputes should be resolved as quickly as possible but within two weeks of their arising at the staff level. If unresolved at the end of two weeks, the issue should be raised to the next level of each organization.



5. Escalation - when there is no resolution and the two weeks have passed, there should be comparable escalation in each organization, accompanied by a statement of the issue and a one-page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need to be raised to a higher level should again be raised in comparable fashion in each organization.

## **PROGRAM OUTPUTS BUREAU OF AIR**

### **Ozone:**

1. Address deficiencies, if any identified, regarding Subpart X of oxides of nitrogen rule (Winter/Spring).
2. Submit statewide inventory of major point sources of ozone precursors in NET format by June 2003.
3. Submit redesignation request for the Metro-East /St. Louis 1-hour ozone nonattainment area to USEPA by March 2003.

### **Title V:**

4. Begin issuing Title V permits to electric utilities.
5. Issue construction permits; PSD and New Source Review evaluations as necessary.
6. Provide draft/proposed permits to Region 5 for review concurrently with public notice and review.
7. Submit data to the RACT/BACT Clearinghouse.

### **Air Toxics:**

8. Continue implementation of § 112, including subsections (g)(major HAPs New Source Review), (f)(residual risk), , (j)(site-specific MACT where USEPA has not promulgated categorical MACT), and (r)(release management plans).
9. Continue general air toxics air quality data collection and submittal to AIRS.
10. Operate two urban air toxics sites, analyze data and report findings.
11. Urban Toxics Strategy: evaluate impact on Illinois source sectors; evaluate federal/state roles; determine the significance of sectors not affected by MACT standards; work with sources or groups of sources towards gaining reductions of toxics emissions or further risk assessment.
12. Great Lakes Project: continue to enhance inventory development; contribute to development of the regional strategy, and continue the Great Lakes Mercury monitoring program.
13. Implement further mercury monitoring subsequent to receipt of federal funding.
14. Continue to refine Illinois' statewide inventory as part of the National Air Toxics Assessment.
15. Develop 1999 database modeling parameters.
16. Target 8 to 10 CRI sources for full inspections for compliance and pollution prevention follow-up as appropriate.
17. Provide discussion and narrative on state activities for the CRI report; work with EPA to refine source inventories and examine risk exposures.
18. Assess future needs and incorporate into 5 year Integrated Monitoring Strategy.

**Compliance:**

19. Compliance investigations and enforcement actions that provide an acceptable balance between resource commitments (state, local, federal) and benefit to the environment, including any SEPs.
20. Implement the FY02 Compliance Workplan.
21. Complete ERMS annual systems performance review.

**Base Programs and National/Regional Priorities:**Air Monitoring:

22. Finalize the 5 Year Integrated Strategy Monitoring Plan (2003-2007)
23. Continue operation of the four PAMS monitoring sites.
24. Coordinate the Illinois monitoring network implementation with Cook County Dept. of Environmental Control and City of Chicago Dept. of Environment.
25. Participate in the real-time ozone and particulate reporting system (AIRNOW) and support the daily forecast program.
26. Perform CEMS audits, particularly of SO<sub>2</sub> emissions at utilities.
27. Continue operation of the PM2.5 monitoring network.
28. Finalize the deployment of the PM2.5 Chemical Speciation network.
29. Implement the PM2.5 Performance Audit Program (PAP).
30. Assist the St. Louis Supersite monitoring program

State Permitting:

31. Provide USEPA with copies of construction permits, as appropriate.

PM2.5:

32. Continue inventory development.
33. Continue collection of monitoring data.

Data Management:

34. Continue to collect and maintain all relevant data and evaluate the performance of the ERMS program.
35. Continue to expand the capabilities of ICEMAN.
36. Complete the detailed design and the implementation of ACES at an Agency level.

Community Relations:

37. Hold public hearings as appropriate.
38. Prepare and disseminate responsiveness summaries following public hearings and receipt of comments.
39. Prepare and disseminate fact sheets, pamphlets, and news releases as appropriate.

Multi-Media Agency Programs:

40. Develop a regulatory approach to limiting particulate emissions of lead from external surface removal projects.

National/Regional Priorities:

(Note: These activities are included within our categorical activities listed above.)

Reporting and Program Submissions:

41. Illinois EPA Bureau of Air will provide USEPA with the reports and program documents as listed in the Reporting Requirements Inventory.

**PROGRAM OUTPUTS  
BUREAU OF LAND**

**Division of Land Pollution Control**

Hazardous Waste Management

1. Number of treatment storage disposal facilities inspections
2. Number of enforcement actions taken and penalties collected
3. Number of compliance surveys conducted
4. Number of compliance agreements established
5. Number of criminal investigations initiated and closed
6. Number of referrals to Illinois EPA's Criminal Enforcement Decision Group and to prosecutorial authorities (hazardous waste cases)
7. Number of draft and final permits and permit modifications issued to facilities in the permitting universe
8. Number of closure plans, closure plan modification requests, and closure certifications reviewed and approved for facilities
9. Number of RCRA Facility Assessments completions, stabilization actions required in a permit, RCRA Facility Investigation Phase I and Phase II report or workplan approvals, and corrective measure report approvals. NOTE: among these corrective measure reports will be a final remedy construction completion report
10. Number of hazardous waste management facilities performing corrective action

(Nonhazardous) Solid Waste Management

1. Number of referrals to Illinois EPA's Criminal Enforcement Decision Group and to prosecutorial authorities (nonhazardous waste cases)
2. Number and category of Used Waste Tire facilities inspected
3. Number of tire cleanups conducted and volume of tires recycled
4. Number of Closure Certifications approved for non-hazardous landfills
5. Number of nonhazardous waste management facilities conducting detection monitoring
6. Number of nonhazardous waste management facilities conducting assessment/compliance monitoring
7. Number of nonhazardous waste management facilities conducting corrective action

**Division of Remediation Management**

Federal Cleanups

1. Number of Remedial Investigation Reports reviewed annually
2. Number of Findings of Suitability for Transfer reviewed annually
3. Number of engineer evaluation/cost analyses reviewed annually
4. Number of Brownfield Assessment reports completed annually

5. Number of new CERCLA sites (i.e., National Priorities List sites, Federal facilities, or other hazardous waste sites) identified annually
6. Number of CERCLA sites where removal actions (i.e., short-term actions) have been initiated
7. Number of CERCLA sites where remedial actions (i.e., constructions aimed at permanent remedies) have been initiated
8. Number of Record of Decisions have been signed
9. Number of CERCLA investigations initiated

#### State Cleanups

1. Effective date of amendments to Site Remediation Program regulations
2. Number of new Site Remediation Program sites enrolled annually
3. Number of new Response Action Program sites identified annually

#### Leaking Underground Storage Tank (LUST) Cleanups

1. Status of UST fields project
2. Status of proposed regulatory amendments
3. Number of new state and federally regulated LUST sites (i.e., incidents) identified annually
4. Annual average cost of cleanup per site (based on payments from the UST Fund)

#### Brownfields

1. Applications received annually for Brownfield loans
2. Number of Brownfield loans (and dollar value) issued annually
3. Number of Brownfield grants (and dollar value) issued to communities to investigate and assess contamination annually
4. Number of Brownfield assessments conducted by Illinois EPA annually

#### Underground Injection Control

1. Number and type of permit determinations issued
2. Number of MITs scheduled and of this, the number conducted, the number witnessed, the number that failed, and the number of these that are addressed through fix and retest, plugged, enforcement
3. Number of Class V wells added to the inventory
4. Number of Class V wells where action was taken through permits, BMPs, file reviews, compliance assistance, or closures
5. Number of instance of non-compliance; number of those addressed with enforcement action and the number returned to compliance
6. Submit annual inventory of injection wells by well type no later than December 15 of each year
7. Submit at federal fiscal mid-year (April 30) and end of year (Oct 30) the data necessary for the Region to complete the OMB approved state reporting forms (7520s) that were established for the UIC program

## **Cross-Bureau**

### **Community Relations**

1. Number and description of public hearings arranged or coordinated by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually
2. Number and description of responsiveness summaries written by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually
3. Number and description of fact sheets, pamphlets, and news releases written by the Office of Community Relations for LUST, RCRA, Superfund and other Bureau of Land programs annually.
4. Number and description of events (e.g., property access, sampling, surveys, meetings) that the Office of Community Relations staff assists Bureau of Land staff (or their representatives) for LUST, RCRA, Superfund and other Bureau of Land programs annually.
5. Number of media inquiries and/or events handled by the Office of Community Relations (in conjunction with the Office of Public Information) for LUST, RCRA, Superfund and other Bureau of Land programs annually.
6. Number of permit/remedial applicants and responsible parties assisted annually by the Office of Community Relations in meeting their public involvement obligations (e.g., reviewing community relations plans and other materials, arranging facility tours, facilitating site open houses, hosting availability sessions).

## **PROGRAM OUTPUTS**

### **BUREAU OF WATER**

#### Watershed Management

1. Description of major achievements in developing and implementing comprehensive watershed management programs including: how water quality standards are used in managing water quality improvements, how interrelated programs will be coordinated using a watershed approach, and identification of waters attaining standards and progress made toward attainment of standards. (Source: End-of-year report)
2. Summary of information on reductions in nonpoint source pollutant loading in specific watersheds.
3. Summary information on reduction in pollutant loading from point sources in priority targeted watershed. (Source: End-of-year report)
4. Number of facility inspections conducted and summary outcome of those inspections.
5. Number and percentage of approved pretreatment facilities audited in the reporting year. Of those, the number of audits finding significant shortcomings and the number of local programs upgraded to achieve compliance. (Source: PCS)
6. Percent of POTWs that are beneficially reusing all or part of their biosolids. (Source: End-of-year report)
7. List of actions taken to reduce NPDES compliance monitoring. (Source: End-of-year report)
8. Finalize list of CIUs in non-approved cities and update operating permits.
9. Status of all delegated NPDES programs with regard to adoption of applicable regulations and legal requirements. (Source: End-of-year report)
10. Number of CAFOs with 1,000 or more animal units with current permits and whether the permits include manure management requirements.
11. TMDL status: a) the number of TMDLs submitted to EPA; b) the number of state-established TMDLs approved by EPA; c) watersheds with plans implemented to attain TMDL; d) watersheds with TMDL listed segments for which a plan has been developed and implemented to meet water quality standards. (Source: End-of-year report)
12. Revisions to the Continuing Planning Process provided to USEPA after finalization of the Watershed rule.
13. Identify those watershed projects in the Section 319 draft work plan which are prioritized using 303(d) List, the Unified Watershed Approach, and the watersheds priority ranking within the Illinois EPA's Targeted Watershed Approach.
14. IEPA to cooperate with Illinois Department of Agriculture on collection and evaluation of data for the Transect Survey
15. Continually update nonpoint source information in GRTS including all mandatory elements.
16. Provide annual reports which summarize progress in reducing nonpoint source loadings.



### Public Involvement

17. Public involvement into the Watershed Initiative will be described as part of the watershed report identified in Program Output #1 of Watershed Management.  
(Source: End-of-year report)

### Drinking Water Program

18. Status of significant activities taken to meet new SDWA requirements including:

- Section 1414(c)(3)(A) annual compliance report
- Percent of DW-SRF set-aside funds earmarked to perform source water delineations and assessments. (Source: End-of-year report)
- Implement a return to compliance program for the Radionuclides Regulations. (Source: End-of-year report)
- Submit second annual Operator Certification Program Report discussing program implementation
- Continue to implement and report the new system Capacity Development Program
- Continue to implement and report the existing system Capacity Development Strategy.

### Source Water Protection

19. Continue implementation and tracking of Source Water Assessment Program.  
(Source: SWP Reporting Matrix table)
20. Continue publication of source water assessments for community water supplies
21. Continue work to include source water protection provisions into the WIP guidance and participate in watershed efforts (including Lake Michigan LaMP, Upper Mississippi, etc.) to protect surface water supplies of drinking water
22. Continue to propose groundwater quality standards, regulated recharge areas and maximum setback zone regulations to the Illinois Pollution Control Board

### Lake Management

23. Initiate and administer 1-3 Phase I diagnostic-feasibility studies and 3-5 Phase II implementation projects under the Illinois Clean Lakes Program
24. Initiate and administer four to six projects under the Priority Lake and Watershed Implementation Program
25. Conduct Ambient Lake Monitoring Program activities at 50 lakes
26. Conduct basic Volunteer Lake Monitoring Program (VLMP) Secchi transparency and Zebra Mussel monitoring at 180 lakes. Conduct expanded VLMP monitoring (i.e., Chlorophyll *a*, Water Quality) at 100 lakes
27. Continue expanded technical assistance capabilities to lake associations, volunteers, lake owners/managers, and the public

28. Provide funding for and administer approximately 100 Lake Education Assistance Program Grants
29. Plan for and conduct five lake management workshops in different parts of the state
30. Develop and distribute four to six Lake Notes fact sheets

#### Small System Support

31. Number of operational visits conducted. (Source: End-of-year report)
32. Estimate of water supply personnel informed/trained. (Source: End-of-year report)

#### State Revolving Fund

33. Number of communities receiving loans and the amount. (Source: End-of-year report)
34. Report on federal indicators to measure the pace of the CW-SRF and DW-SRF programs. (Source: End-of-year report)
35. Continue to maintain SRF information system. (Source: End-of-year report)

#### Technical and Public Education

36. Technical assistance workshops presented with Illinois Rural Water Association, Illinois Section AWWA, IDPH, IPWSOA and local operator groups.

#### NPDES Program Delegation

37. Development of regulatory package to allow the assumption of sludge authority for presentation to Pollution Control Board and Agency rulemaking procedures.
38. Pre-treatment effectiveness report. (Source: End-of-year report)

#### NPDES Permit Backlog

39. Substantial elimination of the backlog of expired NPDES permits in compliance with USEPA goals.
40. By January 1, 2003, IEPA will provide a list of major permits that will be issued in FY2003.
41. Number of stormwater sources associated with industrial activity, number of construction sites over five acres, and number of designated stormwater sources (including Municipal Phase I) that are covered by a current individual or general NPDES permit. (Source: PCS)
42. Number of permittees that are covered by NPDES permits or other enforceable mechanisms consistent with the 1994 CSO policy. (Source: PCS)
43. Number of a) non-storm water general permits issued and b) number of facilities covered. (Source: PCS)

### Compliance Assistance/Enforcement

44. Average number of days to reach agreement on a compliance plan for resolution of violations. (Source: PCS)
45. Success ratio (non-compliance returned to compliance) for participants that receive compliance assistance. (Source: PCS)
46. Description of environmental benefits that are achieved due to resolution of all enforcement cases. (Source: End-of-year report)
47. A pilot assessment annual compliance excellence achievers as demonstrated by three or more years of sustained compliance. (Source: PCS)
48. Percent and accuracy of discharge monitoring data received that is required to be reported by the NPDES permit program. (Source: PCS)
49. Submit an annual non-compliance report for non-majors NPDES dischargers.
50. Number of enforcement actions including number of non-compliance advisories issued. (Source: PCS)
51. Number of cases involving audit privilege. (Source: End-of-year report)
52. Enhancement of Enforcement Management System reflecting provisions of recent legislative changes and program priorities. (Source: End-of-year report)
53. Number of demand letters issued. (Source: End-of-year report)
54. Number of wastewater and water supply operators certified. (Source: End-of-year report)
55. Percent of sample results received that are required under the SDWA. (Source: SDWIS)
56. Report to address Office of Enforcement and Compliance Assistance Accountability Outcome Measures #2 and #3:
  - Environmental and public health benefits achieved through inspections and enforcement activities.
  - Results or impact of using: audit privilege or immunity law; audit policies; small business compliance assistance policies; and compliance assistance initiatives developed for specific industrial sectors. (Source: End-of-year report)
57. By July 1, 2003 Illinois EPA will provide a report which lists all CSO communities and identifies, to the extent information is available, the following: their status in implementing the nine minimum CSO controls; whether a Long Term Control Plan (LTCP) is needed; whether they have developed an LTCP; status of implementing an LTCP, and whether they have an LTCP implementation schedule that extends longer than five years from July 1, 2002. Information regarding the status of implementing the nine minimum controls and LTCP will be updated with the end-of-year report.
58. For complaints concerning sludge and pretreatment matters, the IEPA will report back the disposition of the complaint to USEPA upon conclusion of the investigation.
59. By September 30, 2003, develop SSO inventory following the development of a Federal SSO/Stormwater Phase II Compliance Strategy.

### Water Pollution Control Inspection Strategy

60. Inspection Strategy at the start of the fiscal year identifying overall goals and priorities including an approach for targeting CAFOs.

61. Inspection Plan at start of fiscal year identifying facilities to be inspected and type of inspection to be conducted. Includes Majors, Pretreatment Communities. (Source: PCS)

#### Water Quality Standards

62. Submit a rulemaking package to the Illinois Pollution Control Board revising General Use sulfate and total dissolved solids water quality standards.
63. Continue to develop water quality standards for nutrients specific to the needs and conditions in Illinois.
64. Continue efforts for establishing biocriteria standards.
65. Continue efforts to adopt EPA's *Ambient Water Quality Criteria for Bacteria – 1986* (transition from fecal coliform to E. coli and/or enterococci indicators) for the protection of recreational uses.
66. By April 2003, submit a draft plan for how IEPA intends to adopt EPA's Ambient Water Quality for Bacteria by April 2004.

#### Total Maximum Daily Load (TMDL)

67. Develop and submit final TMDL list by November 1, 2002.
68. Develop TMDLs in accordance with the approved schedule.
69. Complete development of TMDLs on 15 watersheds in accordance with the long-term schedule identified in Illinois EPA's 1998 303(d) list and submit to USEPA for approval. Four TMDLs to be submitted by June 2003, three more by July 2003, and the remaining eight by November 2003.
70. Begin development of TMDLs in another 15 watersheds in accordance with the long term schedule identified in the Illinois EPA's 2002 303(d) List.
71. Illinois EPA will provide draft TMDL strategy by October 15, 2002.

#### Monitoring and Assessment

The following activities are supported with 205(j) and 106 funds:

72. Percent of state waters monitored and assessed as Good, Fair, or Poor (includes waterway, inland lake, and Lake Michigan). (Source: 2002 Illinois Water Quality (305(b) Report)
73. Percent of river miles and lake acres that have been assessed for the need for fish consumption advisories; and compilation of Site-issued fish consumption advisory methodologies. (Source: Annual supplement to 305(b) report)
74. The new fish IBI and computer program to calculate IBI scores will be used in resource-quality assessments to be reported in the 2004 305(b) electronic update. Procedures will be defined for incorporating the new IBI scores into the decision-making criteria used to assess attainment of designated uses.
75. Continue development and evaluation of macroinvertebrate sampling methods and of a multi-metric index of biological integrity for macroinvertebrates. Continue development and evaluation of the multi-variate approach for using macroinvertebrate information in resource-quality assessment.

76. Continue collecting data at eight continuous monitoring stations for use in the nutrient standards development process.
77. Jointly determine with USEPA the status of IEPA as having an “Adequate State Ambient Water Monitoring and Assessment Program.”
78. Complete transfer to new assessment database for FY2004 reporting.
79. In FY2003, update STORET with water quality data (and appropriate system for biological data).
80. Participate in FY2003 SWIMS meeting.

#### Community Relations

81. Number of and description of public hearing and meetings arranged for or coordinated by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
82. Number and description of responsiveness summaries coordinated by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
83. Number and description of fact sheets, pamphlets, and news releases written by the Office of Community Relations for permits, planning, and other Bureau of Water programs annually.
84. Number and description of events (e.g., conferences/workshops, property access agreements, field sampling activities, surveys, project meetings) that the Office of Community Relations staff assists Bureau of Water staff (or their representatives) with for permits, planning, and other Bureau of Water programs annually.
85. Number of media inquiries and/or events handled by the Office of Community Relations (in conjunction with the Office of Public Information) for permits, planning, and other Bureau of Water programs annually
86. Number and description of miscellaneous activities and events handled annually by the Office of Community Relations in supporting the Bureau's public involvement needs (e.g., reviewing community relations/outreach materials, arranging facility tours, facilitating site/project open houses, hosting availability sessions)

## **PROGRAM OUTPUTS**

### **MULTI-MEDIA PROGRAMS**

#### **Toxic Chemical Management Program**

- Toxic Chemical Management
  1. Annual Toxic Chemical Report
  2. Number of PCB inspections, related sample results and inspection reports
  3. Preparation of enforcement cases, if applicable
  4. Decision about regulatory proposal
  5. Number of removal incidents where response is necessary
- Chemical Emergency Response
  1. Number of emergency incident notifications and IEPA on-site responses
  2. Number of significant release reviews conducted and recommendations sent to IEMA
  3. Number of HAZOPS
  4. Number of enforcement actions taken

#### **Innovative Protection Program**

- Regulatory Innovation
  1. Number of EMS projects that are proposed and implemented
  2. Number of ECOS/EPA regulatory innovation projects that are proposed and are implemented
  3. Number of clients that receive some assistance
  4. Number of small business guides that are completed
- Pollution Prevention
  1. Number and description of educational workshops sponsored by OPP
  2. Number of P2 site visits conducted by technical staff and summary of actions taken by facilities receiving assistance
  3. Number and description of P2 intern projects
  4. Number of field inspections that included P2 assistance and summary of actions taken by facilities receiving assistance
  5. Number of P2 assessments resulting from Supplemental Environmental Projects
  6. Description of P2 sector or geographic initiatives
  7. Summary of P2 training for regulatory staff
  8. Description of voluntary P2 programs and partnerships
- Environmental Education  
(Develop and sponsor educator training)
  1. Number of educator workshops/conferences  
(Develop partnerships with external groups)
  1. Number of partnerships formed

(Expand public outreach)

1. Number of educator workshops where IEPA's educational materials and resources were promoted
2. Install new education adventures and activities on Envirofun
3. Install new materials on the Agency's website under Educator's Tools
4. Number of environmental education articles for various publications